



Australian Capital Territory

# Road Transport (General) Act 1999

A1999-77

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**Effective: 13 May 2011 – 2 June 2011**

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Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Road Transport (General) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 May 2011. It also includes any amendment, repeal or expiry affecting the republished law to 13 May 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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Australian Capital Territory

## Road Transport (General) Act 1999

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An Act to provide for the administration and enforcement of road transport legislation, to provide for the review of decisions made under road transport legislation, to make further provision about the use of vehicles on roads and road related areas, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Road Transport (General) Act 1999*.

*Note 1* This Act is part of the road transport legislation. It provides for the administration and enforcement of the road transport legislation generally.

*Note 2* Other road transport legislation includes the following:

- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (Mass, Dimensions and Loading) Act 2009*
- *Road Transport (Public Passenger Services) Act 2001*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Third-Party Insurance) Act 2008*
- *Road Transport (Vehicle Registration) Act 1999*.

*Note 3* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

### 3 Objects of Act

The objects of this Act are—

(a) to provide for—

- (i) the administration and enforcement of the road transport legislation; and
- (ii) the review of certain decisions made under the road transport legislation; and

(iii) the determining of fees, charges and other amounts payable under the road transport legislation;

in a way that is consistent with the agreements scheduled to the *National Road Transport Commission Act 1991* (Cwlth); and

- (b) to make further provision about vehicles, roads and road related areas; and
- (c) to re-enact with some changes certain provisions of the *Motor Traffic Act 1936*; and
- (d) to improve road safety and transport efficiency, and reduce the costs of administering road transport.

*Note* The Commonwealth Act mentioned in s 3 (a) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth), and the agreements scheduled to the repealed Act have been independently terminated and replaced by the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*.

## 4 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary defines certain terms, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition '*driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.' means the term 'driver licence' is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

## 5 Notes

A note in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## 5A Offences against this Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

### *Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 58 (Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider)
- s 58A (Police officer or authorised person may require name, date of birth, address and driver licence—supervisor, instructor or assessor)
- s 61C (Drive while suspension notice in effect)
- s 61D (Failure to surrender suspended licence).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

### *Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## **Part 2 Administration of road transport legislation**

### **Division 2.1 Road transport legislation**

#### **6 What is the *road transport legislation*?**

In this Act, the *road transport legislation* means the following:

- (a) this Act;
- (b) the *Road Transport (Alcohol and Drugs) Act 1977*;
- (c) the *Road Transport (Driver Licensing) Act 1999*;
- (d) the *Road Transport (Mass, Dimensions and Loading) Act 2009*;
- (e) the *Road Transport (Public Passenger Services) Act 2001*;
- (f) the *Road Transport (Safety and Traffic Management) Act 1999*;
- (g) the *Road Transport (Third-Party Insurance) Act 2008*;
- (h) the *Road Transport (Vehicle Registration) Act 1999*;
- (i) any other Act or any regulation prescribed by regulation.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

#### **8 Application of definitions in other road transport legislation**

If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

## Division 2.2 Relationship between road transport legislation and other laws

### 9 General relationship with other laws

The road transport legislation does not—

- (a) affect any other Act or subordinate law, or take away powers vested in an entity under any other Act or subordinate law; or
- (b) affect any liability of anyone at common law, except to the extent that the road transport legislation provides otherwise expressly or by necessary intention.

## Division 2.3 Responsible persons for vehicles under road transport legislation

### 10 Who is a responsible person for a vehicle

In the road transport legislation, the *responsible person* for a vehicle is—

- (a) for a registered vehicle—each of the following:
  - (i) a registered operator of the vehicle, unless the vehicle has been disposed of by the operator;
  - (ii) if the vehicle has been disposed of by the registered operator—anyone who has acquired the vehicle from the operator;
  - (iii) anyone who has a legal right to possession of the vehicle (including anyone who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under such an agreement); and



- (b) for an unregistered vehicle to which a trader's plate is attached—each of the following:
  - (i) the person to whom the trader's plate is issued under the *Road Transport (Vehicle Registration) Act 1999*;
  - (ii) anyone who has a legal right to possession of the vehicle (including anyone who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under such an agreement); and
- (c) for an unregistered vehicle to which no trader's plate is attached—each of the following:
  - (i) a person who was last recorded as a registered operator of the vehicle;
  - (ii) anyone who has a legal right to possession of the vehicle (including anyone who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under such an agreement); and
- (d) anyone else prescribed by regulation for this subsection.

*Note 1* A statutory instrument may make different provisions about different matters and apply the provisions differently by reference to stated exceptions or factors (see Legislation Act, s 48).

*Note 2* A wider definition of responsible person for a heavy vehicle or heavy combination applies under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 12.

## **11 Rights, liabilities and obligations of multiple responsible persons**

- (1) This section applies if there is more than 1 responsible person for a vehicle at any time.
- (2) In a provision of the road transport legislation, or another Act or regulation concerned with the responsible person for a vehicle, a

reference to the *responsible person* for a vehicle includes each responsible person for the vehicle.

- (3) However, a regulation may make provision in relation to deciding the respective rights and liabilities of each responsible person for a vehicle under a provision of any Act or regulation.

## **Division 2.4 Alteration of scope of operation of road transport legislation**

### **12 Power to include or exclude areas in road transport legislation**

- (1) The Minister may, in writing, declare that the road transport legislation, or a provision of the road transport legislation—
  - (a) applies to an area that is open to or used by the public; or
  - (b) does not apply to a road or road related area.
- (2) The declaration has effect until it is revoked or, if a period is stated in the declaration, for that period.
- (3) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

### **13 Power to exclude vehicles, persons or animals from road transport legislation**

- (1) The Minister may, in writing, declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration.
- (2) The declaration has effect until it is revoked or, if a period is stated in the declaration, for that period.

- (3) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

## **14 Application orders and emergency orders**

- (1) The Minister may, in writing, order that the operation of regulations made under the road transport legislation, or a provision of such regulations—

- (a) is suspended for a stated period; or  
(b) is varied in the way stated in the order.

- (2) An order must be consistent with the provisions about application orders and emergency orders in the agreements scheduled to the *National Road Transport Commission Act 1991* (Cwlth).

- (3) An order may have effect for all or part of the ACT.

- (4) If the Australian Transport Council terminates an emergency order, the Minister must, in writing, declare that the order has been terminated with effect from the time when the council terminated the order.

- (5) A declaration under subsection (4) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

- (6) An order under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

## **Division 2.5 Administration**

### **16 Road transport authority**

- (1) There is to be an Australian Capital Territory Road Transport Authority (the *road transport authority*).

- (2) The chief executive is the road transport authority.

- (3) Anything done in the name of, or for, the road transport authority by the chief executive in exercising the functions of the authority is taken to have been done for, and binds, the Territory.

## **17 Delegation of road transport authority's functions**

- (1) The road transport authority may delegate the authority's functions under the road transport legislation to—
- (a) the chief police officer; or
  - (b) a public employee; or
  - (c) a person prescribed by regulation.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

- (2) The chief police officer may delegate functions delegated to the chief police officer under subsection (1) to—
- (a) a police officer; or
  - (b) a public employee; or
  - (c) a person prescribed by regulation.
- (3) A person mentioned in subsection (1) (c) may delegate a function delegated to the person under subsection (1) to—
- (a) a public employee; or
  - (b) a person prescribed by regulation.
- (4) However, a delegation under subsection (1) may provide that a stated function must not be delegated.

## **18 Delegation of chief police officer's functions**

The chief police officer may delegate the chief police officer's functions under the road transport legislation to—

- (a) a police officer; or

- (b) a public employee; or
- (c) a person prescribed by regulation.

*Note 1* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

*Note 2* For the chief police officer's power to delegate functions delegated by the road transport authority, see s 17 (2).

## **19 Authorised people**

- (1) The road transport authority may appoint a person to be an authorised person for the road transport legislation.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) A regulation may prescribe a person to be an authorised person for the road transport legislation or a provision of the road transport legislation.
- (3) A person must not be appointed under subsection (1) unless—
  - (a) the person is an Australian citizen or a permanent resident of Australia; and
  - (b) the road transport authority is satisfied that the person is a suitable person to be authorised, having regard in particular to—
    - (i) whether the person has any criminal convictions; and
    - (ii) the person's employment record; and
  - (c) the person has satisfactorily completed adequate training to exercise the powers of an authorised person proposed to be given to the person.

- (4) However, this section does not authorise the road transport authority to appoint a person to be an authorised person for part 3 (Infringement notices for certain offences).

## 20 Identity cards

- (1) The road transport authority must issue an authorised person with an identity card that states the person is an authorised person for the road transport legislation, or stated provisions of the road transport legislation, and shows—
- (a) a recent photograph of the person; and
  - (b) the name of the person or the particulars that are identifying particulars for the person (or both); and
  - (c) the date of issue of the card; and
  - (d) a date of expiry for the card; and
  - (e) the name and signature of the person who issued the card; and
  - (f) anything else prescribed by regulation.

*Note* Under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 22, the road transport authority may designate a card issued to a person under a corresponding heavy vehicle road law as an identity card for the Act.

- (2) A person who ceases to be an authorised person must return his or her identity card to the road transport authority as soon as practicable, but within 21 days, after ceasing to be an authorised person.

Maximum penalty (subsection (2)): 1 penalty unit.

- (3) In this section:

***identifying particulars***, for a person, means:

- (a) for a person authorised by the administering authority for an infringement notice offence to serve infringement or reminder

notices—the unique number given to the person by the administering authority under the *Road Transport (Offences) Regulation 2005*, section 11; and

- (b) for any other authorised person—the unique number given to the person by the road transport authority; and
- (c) any other particulars prescribed by regulation.

## **21 Power not to be exercised before identity card shown**

An authorised person may exercise a power under the road transport legislation in relation to a person only if the authorised person first shows the person his or her identity card.

*Note* Under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 22, the road transport authority may designate a card issued to a person under a corresponding heavy vehicle road law as an identity card for the Act.

## **Part 3 Infringement notices for certain offences**

### **Division 3.1 Preliminary**

#### **22 Purpose and effect of pt 3**

- (1) The purpose of this part is to create a system of infringement notices for certain offences against the road transport legislation and other legislation as an alternative to prosecution.
- (2) This part does not—
  - (a) require an infringement or reminder notice to be served on a person; or
  - (b) affect the liability of a person to be prosecuted for an offence if—
    - (i) an infringement or reminder notice is not served on the person for the offence; or
    - (ii) the person does not comply with an infringement or reminder notice served on the person for the offence; or
    - (iii) an infringement notice served on the person for the offence is withdrawn; or
  - (c) prevent the service of 2 or more infringement notices on a person for an offence; or
  - (d) limit or otherwise affect the penalty that may be imposed by a court on a person for an offence.



## **23 Regulations about infringement notice offences**

- (1) A regulation may prescribe an offence, other than an offence for which a penalty of imprisonment may be imposed, for the dictionary, definition of *infringement notice offence* by—
  - (a) stating the offence; or
  - (b) referring to the provision creating the offence; or
  - (c) providing that all offences, or all offences except for stated offences, against an Act or subordinate law are infringement notice offences.
- (2) Subsection (1) does not limit the ways that a regulation may prescribe an offence for that definition.
- (3) A regulation may, for the dictionary, definition of *infringement notice penalty*, prescribe—
  - (a) an amount as the penalty payable by anyone for an offence if it is dealt with under this part; or
  - (b) different amounts as the penalties payable for different offences if they are dealt with under this part; or
  - (c) different amounts as the penalties payable for the same kind of offence committed by different people or in different circumstances if the offence is dealt with under this part.
- (4) However, an infringement notice penalty prescribed for a person for an offence must not exceed the maximum fine that could be imposed by a court on the person for the offence.
- (5) Subsection (3) does not limit the ways that a regulation may prescribe an amount for that definition.

## Division 3.2 Infringement and reminder notices generally

### 24 Service of infringement notices generally

- (1) If an authorised person believes, on reasonable grounds, that a person has committed an infringement notice offence, the authorised person may serve a notice (an *infringement notice*) on the person for the offence.

*Note* For how documents may be served, see the Legislation Act, pt 19.5.

- (2) To remove any doubt, an authorised person may not serve an infringement notice on a person under this section for an offence after the end of the time within which a prosecution may be brought for the offence.

*Note* For the time within which a prosecution must be begun, see the Legislation Act, s 192.

- (3) This section does not prevent an infringement notice being served on a person under section 36 (Service of infringement notices on responsible people for vehicles) for an infringement notice offence involving a vehicle.

### 25 Contents of infringement notices

- (1) An infringement notice served on a person by an authorised person for an infringement notice offence must—
  - (a) be identified by a unique number; and
  - (b) state the date of service of the notice; and
  - (c) state—
    - (i) the full name, or surname and initials, and address of the person on whom the notice is served; or
    - (ii) the particulars that are, under the regulations, identifying particulars for the person; and

- (d) give the short description prescribed by regulation for the offence (or the law and provision of the law contravened by the person) and—
  - (i) if the offence took place over a period and did not involve a vehicle—the period, or approximate period, when the offence was committed; or
  - (ii) in a case prescribed by regulation—the particulars that are, under the regulations, identifying particulars for the offence; or
  - (iii) in any other case—the place where the offence was committed and the date and approximate time of the offence; and
- (e) if the offence involved a vehicle—state the particulars (if any) that are, under the regulations, identifying particulars for the vehicle; and
- (f) if the offence involved an animal—state the particulars (if any) that are, under the regulations, identifying particulars for the animal; and
- (g) state the infringement notice penalty payable by the person for the offence; and
- (h) contain the information required by section 26 (Additional information in infringement notices); and
- (i) identify the authorised person in accordance with the regulations; and
- (j) include any other information required by regulation and any additional information that the administering authority considers appropriate.

- (2) Subsection (1) (c) does not apply to the infringement notice if—
- (a) the notice is served in the way mentioned in section 36 (4) (which is about service of an infringement notice on the responsible person for a vehicle by placing it on the vehicle); or
  - (b) a regulation provides that it does not apply to the notice.

**26 Additional information in infringement notices**

- (1) The infringement notice must also tell the person on whom it is served that—
- (a) the person may pay the infringement notice penalty for the offence or dispute liability for the offence within 28 days after the day when the notice is served on the person (the *date of service* of the notice); and
  - (b) the person may apply to the administering authority for additional time in which to pay the penalty or dispute liability for the offence; and
  - (c) the notice may be withdrawn before or after the penalty is paid; and
  - (d) if the person pays the penalty within the 28 days (or any additional time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
    - (i) any liability of the person for the offence is discharged; and
    - (ii) the person will not be prosecuted in court for the offence; and
    - (iii) the person will not be taken to have been convicted of the offence; and

- (e) if the person wishes to dispute liability for the offence, the issue may be referred to the Magistrates Court; and
  - (f) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
  - (g) if the person does not pay the infringement notice penalty, or dispute liability for the offence, within the 28 days (or any additional time allowed by the administering authority), a reminder notice may be served on the person for the offence or the person may be prosecuted in court for the offence; and
  - (h) if a reminder notice is served on the person, the infringement notice penalty is increased by the amount payable by the person for the cost of serving the reminder notice; and
  - (i) if the offence involved a vehicle and the person does not pay the infringement notice penalty, or dispute liability for the offence, within 28 days after the reminder notice is served on the person (or any additional time allowed by the administering authority) payment of the penalty may be enforced under division 3.4.
- (2) In addition, the infringement notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
  - (b) explain how the person may apply for additional time to pay the infringement notice penalty or dispute liability for the offence; and
  - (c) if the offence involved a vehicle—
    - (i) tell the person how many demerit points will be incurred if the person pays the infringement notice penalty or is convicted of the offence; and

- (ii) tell the person, in general terms, about the enforcement procedures under division 3.4; and
- (d) if the offence involved a vehicle and the infringement notice is served under section 36 (Service of infringement notices on responsible people for vehicles)—tell the person, in general terms, about section 37 (Liability for infringement notice offences involving vehicles), and explain how the person may make and give to the administering authority the infringement notice declarations mentioned in section 37; and
- (e) if the offence is a camera-detected offence—state that the offence is a camera-detected offence, and tell the person—
  - (i) how to inspect and obtain a copy of the image taken by the approved camera detection device; and
  - (ii) that, if the person is a corporation or was not the driver of the vehicle at the time of the offence, the person must make and give an infringement notice declaration to the administering authority in accordance with this part.

## **27 Time for payment of infringement notice penalty**

The infringement notice penalty payable by a person under an infringement notice or reminder notice is payable—

- (a) within 28 days after the date of service of the notice; or
- (b) if the person applies to the administering authority within the 28 days for additional time to pay and the additional time is allowed—within the additional time allowed by the administering authority; or
- (c) if the person applies to the administering authority within the 28 days for additional time to pay and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service of the notice, whichever is later.

## **28 Extension of time to pay penalty**

- (1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the date of service of the notice, for stated additional time of not longer than 6 months to pay the infringement notice penalty.
- (2) The administering authority must—
  - (a) allow or refuse to allow the additional time; and
  - (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

## **29 Effect of payment of infringement notice penalty**

- (1) This section applies if—
  - (a) an infringement notice has been served on a person for an infringement notice offence; and
  - (b) the person pays the infringement notice penalty for the offence in accordance with this part; and
  - (c) when the payment is made, the infringement notice had not been withdrawn and an information had not been laid in the Magistrates Court against the person for the offence.
- (2) If this section applies—
  - (a) any liability of the person for the offence is discharged; and
  - (b) the person must not be prosecuted in a court for the offence; and
  - (c) the person is not taken to have been convicted of the offence.

*Note* Section 31 provides for the withdrawal at any time of an infringement notice that has been served on a person. If s 29 applied to the infringement notice offence, it ceases to apply, and is taken never to have applied, on the withdrawal of the notice (see s 31 (4)).

- (3) If 2 or more infringement notices were served on the person for the offence, then, unless all the infringement notices have been withdrawn, subsection (2) applies to the person in relation to the offence if the person pays, in accordance with this part, the infringement notice penalty in relation to any of the notices (together with any costs and disbursements payable under this part in relation to the notice).
- (4) If the offence involved a vehicle and the person was 1 of 2 or more responsible people for the vehicle at the time of the offence, subsection (2) also applies to each of the other responsible people.

### **30 Application for withdrawal of infringement notice**

- (1) The person on whom an infringement notice for an infringement notice offence is served may apply to the administering authority, in writing, for the withdrawal of the notice within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) The administering authority must—
  - (a) withdraw the notice or refuse to withdraw the notice; and
  - (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.
- (3) For this section, an infringement notice declaration made and given to the administering authority by the person in relation to the offence is taken to be an application made by the person to the administering authority for the withdrawal of the notice.

### **31 Withdrawal of infringement notice**

- (1) This section applies to an infringement notice that has been served on a person for an infringement notice offence.



- (2) The administering authority may, by notice served on the person, withdraw the infringement notice, whether or not—
  - (a) the person has made an application for the withdrawal of the infringement notice; or
  - (b) the infringement notice penalty (or part of it) has been paid for the offence; or
  - (c) the person has disputed liability for the infringement notice offence.
- (3) The notice must—
  - (a) include the infringement notice number and the date of service of the infringement notice; and
  - (b) tell the person that the infringement notice is withdrawn and, in general terms, about subsection (4).
- (4) On service of the notice—
  - (a) this part ceases to apply to the infringement notice; and
  - (b) if the infringement notice penalty (or part of it) has been paid—the amount paid must be repaid by the administering authority; and
  - (c) if section 29 (Effect of payment of infringement notice penalty) applies to the offence—the section ceases to apply, and is taken never to have applied, to the offence; and
  - (d) a proceeding for the offence may be taken in a court against anyone (including the person) as if the infringement notice had not been served on the person.

## **32 Guidelines about withdrawal of infringement notices**

- (1) The Minister may, in writing, issue guidelines about the exercise of an administering authority's functions under section 30 (Application

for withdrawal of infringement notice) or 31 (Withdrawal of infringement notice).

- (2) The administering authority for an infringement notice offence must comply with any guidelines applying to the offence.
- (3) Guidelines are a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

### **33 Reminder notices**

- (1) An authorised person may serve a notice (a *reminder notice*) on a person if—
  - (a) an infringement notice has been served on the person for an infringement notice offence; and
  - (b) the infringement notice has not been withdrawn; and
  - (c) the infringement notice penalty has not been paid to the administering authority within the time for payment under this part; and
  - (d) the person has not given an infringement notice declaration to the administering authority for the offence in accordance with this part; and
  - (e) written notice disputing liability has not been given to the administering authority in accordance with this part; and
  - (f) a reminder notice has not previously been served on the person for the offence.
- (2) If the infringement notice was served on the person under section 36 (Service of infringement notices on responsible people for vehicles), section 36 (3) applies to the service of the reminder notice on the person in the same way as it applies to the service under that section of an infringement notice on the person.

### **34 Contents of reminder notices**

A reminder notice served on a person by an authorised person for an infringement notice offence must—

- (a) be identified by a unique number; and
- (b) include the following information:
  - (i) the short description prescribed by regulation for the offence (or the law and provision of the law contravened by the person);
  - (ii) the number of the infringement notice served on the person for the offence;
  - (iii) the date of service of the infringement notice; and
- (c) state the date of service of the reminder notice; and
- (d) state the infringement notice penalty that is now payable by the person for the offence; and
- (e) contain the information required by section 35 (Additional information in reminder notices); and
- (f) identify the authorised person in accordance with the regulations; and
- (g) include any other information required by regulation and any additional information that the administering authority considers appropriate.

### **35 Additional information in reminder notices**

- (1) The reminder notice must also tell the person on whom it is served that—
  - (a) the infringement notice penalty for the offence has not been paid; and
  - (b) the infringement notice has not been withdrawn; and

- (c) if the infringement notice offence involved a vehicle and the infringement notice was served under section 36—the administering authority has not received an infringement notice declaration from the person for the offence; and
- (d) written notice disputing liability has not been received by the administering authority from the person for the offence; and
- (e) the infringement notice penalty for the offence has been increased by the amount payable by the person for the cost of serving the reminder notice; and
- (f) the person may pay the infringement notice penalty that is now payable by the person for the offence or dispute liability for the offence within 28 days after the day the reminder notice is served on the person (the *date of service* of the notice); and
- (g) the person may apply to the administering authority for additional time in which to pay the penalty or dispute liability for the offence; and
- (h) the notice may be withdrawn before or after the penalty is paid; and
- (i) if the person pays the penalty within the 28 days (or any additional time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
  - (i) any liability of the person for the offence is discharged; and
  - (ii) the person will not be prosecuted in court for the offence; and
  - (iii) the person will not be taken to have been convicted of the offence; and
- (j) if the person wishes to dispute liability for the offence, the issue may be referred to the Magistrates Court; and

- (k) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
  - (l) if the person does not pay the infringement notice penalty, or dispute liability for the offence, within the 28 days (or any additional time allowed by the administering authority), the person may be prosecuted in court for the offence or, if the offence involved a vehicle, payment of the penalty may be enforced under division 3.4.
- (2) In addition, the reminder notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
  - (b) explain how the person may apply for additional time to pay the infringement notice penalty or dispute liability for the offence; and
  - (c) if the offence involved a vehicle—
    - (i) tell the person how many demerit points will be incurred if the person pays the infringement notice penalty or is convicted of the offence; and
    - (ii) tell the person, in general terms, about the enforcement procedures under division 3.4; and
  - (d) if the offence involved a vehicle and the infringement notice was served under section 36—tell the person, in general terms, about section 37 (Liability for infringement notice offences involving vehicles), and explain how the person may make and give to the administering authority the infringement notice declarations mentioned in section 37; and

- (e) if the offence is a camera-detected offence—state that the offence is a camera-detected offence, and tell the person how to inspect and obtain a copy of the image taken by the traffic offence detection device.

### **Division 3.3 Additional provisions for offences involving vehicles**

#### **36 Service of infringement notices on responsible people for vehicles**

- (1) This section applies if an authorised person believes, on reasonable grounds, that an infringement notice offence involving a vehicle has been committed.
- (2) The authorised person may serve an infringement notice on—
  - (a) the responsible person for the vehicle at the time of the offence; or
  - (b) if there is more than 1 responsible person for the vehicle at that time—each or any of them.

*Note 1* For how documents may be served, see the Legislation Act, pt 19 .5.

*Note 2* Subsections (3) and (4) provide additional ways for serving infringement notices (see Legislation Act, s 251 (1)).

- (3) If the infringement notice is to be served on a person under this section by post and the vehicle is registered under a law of another jurisdiction corresponding to the *Road Transport (Vehicle Registration) Act 1999*, the notice may be served by sending it by prepaid post, addressed to the person, to the latest address of the person in the registration records kept under that law.
- (4) An infringement notice for an offence involving a vehicle may be served by securely placing or attaching the notice, addressed to the responsible person (without further description), on or to the vehicle in a conspicuous position.

- (5) If an infringement notice is served in the way mentioned in subsection (4), it is taken to have been served, on the day that it is placed on or attached to the vehicle, on—
- (a) the responsible person for the vehicle; or
  - (b) if there is more than 1 responsible person for the vehicle at that time—each of them.
- (6) A person must not remove, deface or interfere with an infringement notice placed on, or attached to, a vehicle unless the person is the driver of the vehicle or the responsible person (or a responsible person) for the vehicle.
- Maximum penalty: 20 penalty units.
- (7) A regulation may provide that an infringement notice for an infringement notice offence may only be served on a person under this section within the prescribed period after the day the offence was committed.
- (8) To remove any doubt, an authorised person may not serve an infringement notice on a person under this section for an offence after—
- (a) if a regulation under subsection (7) prescribes a period for the offence—the end of the prescribed period; or
  - (b) in any other case—the end of the time within which a prosecution may be brought against the person for the offence.
- (9) This section does not prevent an infringement notice being served on a person under section 24 (Service of infringement notices generally) for an infringement notice offence involving a vehicle.

### **37            Liability for infringement notice offences involving vehicles**

- (1) If an infringement notice for an infringement notice offence is served on a person under section 36, the person on whom the notice is served is liable for the offence, and may be convicted of and punished for the offence, even though the person who actually committed the offence (the *actual offender*) may have been someone else.
- (2) If the actual offender is not the responsible person (or a responsible person) for the vehicle at the time of the offence, subsection (1) does not affect the liability of the actual offender, but—
  - (a) an additional penalty for the offence may not be recovered from or imposed on the actual offender if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the responsible person (or a responsible person) for the vehicle at that time; and
  - (b) an additional penalty for the offence may not be recovered from or imposed on the responsible person (or a responsible person) for the vehicle at that time if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the actual offender.
- (3) However, in a prosecution against a responsible person for a vehicle for an infringement notice offence involving the vehicle, it is a defence if the responsible person establishes—
  - (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
  - (b) that the person made and gave to the administering authority a known user declaration in accordance with section 39 (Known user declarations) for the offence and, if the person is an individual, that someone else was the driver of the vehicle at the time of the offence; or



- (c) that the vehicle (or all of the person's interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
- (d) that—
  - (i) the person was not the driver of the vehicle at the time of the offence; and
  - (ii) the person does not know, and could not with reasonable diligence have found out, the name and address of the driver of the vehicle at that time.

### **38      Illegal user declarations**

- (1) This section applies if—
  - (a) an infringement notice for an infringement notice offence is served on a person under section 36 (Service of infringement notices on responsible people for vehicles); and
  - (b) the person makes a statutory declaration (an *illegal user declaration*) stating that the vehicle was stolen, or illegally taken or used, at the time of the offence and providing all relevant facts supporting that statement, including details of where and when the matter was reported to the police; and
  - (c) the person gives the illegal user declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 24 (Service of infringement notices generally) on the person (if any) stated in the illegal user declaration as the person (the *named offender*) who was illegally in charge of the vehicle at the time of the offence.

- (3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the illegal user declaration.
- (4) Sections 37 (Liability for infringement notice offences involving vehicles) and 39 (Known user declarations) apply as if the named offender were the responsible person for the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 36.
- (5) However, a proceeding for the offence may be brought in a court against the named offender only if a copy of the illegal user declaration has been served on the named offender by an authorised person.
- (6) In a proceeding against the named offender for the offence, the illegal user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

### **39 Known user declarations**

- (1) This section applies if—
  - (a) an infringement notice for an infringement notice offence is served on a person under section 36 (Service of infringement notices on responsible people for vehicles); and
  - (b) the person makes a statutory declaration (a *known user declaration*) stating—
    - (i) if the person is an individual—
      - (A) that the person was not the driver of the vehicle at the time of the offence; and
      - (B) the name and home or business address of the person (the *named offender*) who was the driver of the vehicle at that time; and

- (C) all relevant facts supporting those statements; or
- (ii) if the person is a corporation—the name and home or business address of the person (also the *named offender*) who was the driver of the vehicle at the time of the offence and all relevant facts supporting that statement; and
- (c) the person gives the known user declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 24 (Service of infringement notices generally) on the named offender.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the known user declaration.
- (4) Section 37 (Liability for infringement notice offences involving vehicles), this section and section 40 (Sold vehicle declarations) apply as if the named offender were the responsible person of the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 36.
- (5) However, a proceeding for the offence may be brought in a court against the named offender only if a copy of the known user declaration has been served on the named offender by an authorised person.
- (6) In a proceeding against the named offender for the offence, the known user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

## 40            **Sold vehicle declarations**

- (1) This section applies if—
  - (a) an infringement notice for an infringement notice offence is served on a person under section 36 (Service of infringement notices on responsible people for vehicles); and
  - (b) the person makes a statutory declaration (a ***sold vehicle declaration***) stating that the vehicle (or all of the person's interest in the vehicle) had been sold or otherwise disposed of by the person before the time of the offence and providing all relevant facts supporting that statement, including—
    - (i) the name and home or business address of the person (the ***buyer***) to whom the vehicle (or the person's interest in the vehicle) was sold or disposed of by the person; and
    - (ii) the date and, if relevant to the offence, time of the sale or disposal; and
    - (iii) if an agent made the sale or disposal for the person—the name and home or business address of the agent; and
    - (iv) whether the person had any interest in the vehicle at the time of the offence; and
  - (c) the person gives the sold vehicle declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 24 (Service of infringement notices generally) on the buyer.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the buyer under this part by post in relation to the offence, the document may be addressed to the buyer at his or her home or business address stated in the sold vehicle declaration.

- (4) Sections 37 (Liability for infringement notice offences involving vehicles), 39 (Known user declarations) and this section apply as if the buyer were a responsible person for the vehicle at the time of the offence and the infringement notice had been served on the buyer under section 36.
- (5) However, a proceeding for the offence may be brought in a court against the buyer only if a copy of the sold vehicle declaration has been served on the buyer by an authorised person.
- (6) In a proceeding against the buyer for the offence, the sold vehicle declaration is evidence that the buyer was the responsible person for the vehicle at the time of the offence.

#### **41 Unknown user declarations**

If an infringement notice for an infringement notice offence is served on a person under section 36 (Service of infringement notices on responsible people for vehicles), the person may—

- (a) make a statutory declaration (an *unknown user declaration*) stating—
  - (i) if—
    - (A) the person is an individual—that the person was not the driver of the vehicle at the time of the offence; or
    - (B) the person is a corporation—that the vehicle was not being used for the corporation's purposes at the time of the offence; and
  - (ii) that the person has made inquiries to find out who was the driver of the vehicle at that time; and
  - (iii) that the person does not know, and has not been able to find out, who was the driver of the vehicle at that time; and

- (iv) the nature and extent of the inquiries made by the person;  
and
- (b) give the unknown user declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).

**42**      **Obligation to provide declarations for camera-detected offences**

- (1) This section applies if—
  - (a) an infringement notice for an infringement notice offence is served on a person under section 36 (Service of infringement notices on responsible people for vehicles); and
  - (b) the notice states that the offence is a camera-detected offence; and
  - (c) the person was not the driver of the vehicle at the time of the offence.
- (2) The person must make and give to the administering authority—
  - (a) an illegal user declaration in accordance with section 38 for the offence; or
  - (b) a known user declaration in accordance with section 39 for the offence; or
  - (c) a sold vehicle declaration in accordance with section 40 for the offence; or
  - (d) an unknown user declaration in accordance with section 41 for the offence.

Maximum penalty: 30 penalty units.

- (3) However, in a prosecution of a person for an offence against subsection (2) in relation to a vehicle, it is a defence if the person establishes—
- (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
  - (b) that the vehicle (or all of the person's interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
  - (c) that—
    - (i) the person was not the driver of the vehicle at the time of the offence; and
    - (ii) the person did not know, and could not with reasonable diligence have found out, the name and address of the driver of the vehicle at that time.

### **Division 3.4                      Enforcement procedures**

#### **U 44                      Suspension for nonpayment of infringement notice penalties**

- (1) This section applies if—
- (a) an infringement notice and a reminder notice have been served on a person by an authorised person under this part for an infringement notice offence; and
  - (b) the offence involved a vehicle; and
  - (c) the infringement notice has not been withdrawn; and
  - (d) the infringement notice penalty has not been paid to the administering authority within the time for payment under this part; and

- (e) notice disputing liability has not been given to the administering authority in accordance with this part.
- (2) The road transport authority must—
- (a) send the person a written notice (a *suspension notice*) that contains the information required by subsection (3); and
  - (b) if the infringement notice penalty is not paid before the suspension date in the suspension notice—take action under subsection (5), (6) or (7) (the *suspension action*) on the suspension date.
- (3) A suspension notice must state—
- (a) particulars of the infringement notice and the reminder notice to which the suspension notice relates; and
  - (b) that if the person does not pay the infringement notice penalty by a stated date (the *suspension date*), the authority will take suspension action on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (4) However, the suspension date must not be earlier than 10 days after the day the suspension notice is sent to the person.
- (5) If the person is the holder of a driver licence, the road transport authority must suspend the licence.
- (6) If the person is not the holder of a driver licence but the vehicle involved in the offence is registered under the *Road Transport (Vehicle Registration) Act 1999* and the person is the responsible person (or a responsible person) for the vehicle, the road transport authority must suspend the vehicle's registration.
- (7) In any other case, the road transport authority must do 1 of the following:



- (a) suspend the person's right to drive the vehicle involved in the offence in the ACT;
  - (b) suspend the person's right to drive any vehicle in the ACT;
  - (c) suspend the right of everyone to drive the vehicle involved in the offence in the ACT.
- (8) If a person's right to drive a vehicle in the ACT is suspended under subsection (7) (a), (b) or (c), the person commits an offence if the person drives the vehicle in the ACT.
- Maximum penalty: 20 penalty units.
- (9) A suspension under this section takes effect on the suspension date.
- (10) If the road transport authority takes suspension action, the authority must send a suspension confirmation notice to the person that states—
- (a) the suspension date; and
  - (b) the action that was taken on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.

#### **45 Effect of suspension**

- (1) The road transport authority must not issue a driver licence to a person (or renew a driver licence issued to the person) if the person's driver licence or right to drive any vehicle in the ACT is suspended under this division.

- (2) The period for which a person's driver licence is suspended under this division is concurrent with any uncompleted period of driver licence suspension or disqualification applying to the person under another part or any other territory law, subject to any order by a court in relation to the lastmentioned suspension or disqualification.
- (3) A person whose driver licence or right to drive any vehicle in the ACT is suspended under this division is not entitled to apply for, or be issued with, a restricted licence during the suspension period.
- (4) The road transport authority must not register a vehicle in the name of a person if the person's right to drive any vehicle in the ACT is suspended under this division.
- (5) The road transport authority must not register a vehicle if the right of everyone to drive the vehicle in the ACT is suspended under this division.

**46 Transfer of registration while suspended**

- (1) This section applies if a vehicle's registration is suspended under this division because of an infringement notice offence for which an infringement notice has been served on a person.
- (2) The road transport authority must revoke the suspension if the vehicle's registration is transferred under the *Road Transport (Vehicle Registration) Act 1999* to someone else and the person no longer has any interest in the vehicle.

**47 Revocation of suspension**

- (1) This section applies if—
  - (a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; and
  - (b) the infringement notice penalty payable by the person for the offence is paid to the administering authority.

- (2) If this section applies, the road transport authority must revoke the suspension and tell the person, in writing, that the suspension has been revoked.
- (3) However, the road transport authority must not revoke the suspension if the authority would then be required to take action under this division in relation to the person for another infringement notice offence and the action would or could result in a suspension having the same effect.

#### **48 Revocation of suspension on court order**

- (1) This section applies if—
  - (a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; or
  - (b) a notice has been served on a person under this division because of an infringement notice offence, but the suspension made by the notice is not yet in force; or
  - (c) the road transport authority would be required to take action under this division because of an infringement notice offence if a suspension were not in force under this division in relation to the person.
- (2) If this section applies, the person may apply to the Magistrates Court for a declaration that—
  - (a) the person did not actually commit the offence; and
  - (b) the person is not liable for the offence under section 37 (Liability for infringement notice offences involving vehicles).
- (3) If relevant to the proceeding, the administering authority has the onus of proving—
  - (a) that an offence was committed; and

- (b) that an infringement notice for the offence was served on the person under section 36 (Service of infringement notices on responsible people for vehicles).
- (4) The court may make or refuse to make the declaration.
- (5) However, the court may make the declaration only if—
  - (a) the administering authority fails to prove that an offence was committed; or
  - (b) the person establishes one of the grounds mentioned in subsection (6).
- (6) For subsection (5) (b) the grounds are—
  - (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
  - (b) that the person made and gave to the administering authority a known user declaration in accordance with section 39 (Known user declarations) for the offence and, if the person is an individual, that someone else was the driver of the vehicle at the time of the offence; or
  - (c) that the vehicle (or all of the person's interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
  - (d) that—
    - (i) the person was not the driver of the vehicle at the time of the offence; and
    - (ii) the person does not know, and could not with reasonable diligence have found out, the name and address of the driver of the vehicle at that time.

- (7) If the court makes the declaration, the road transport authority must revoke the suspension (or, if the suspension is not yet in force, the notice) and tell the person, in writing, of the action taken under this subsection.
- (8) However, the road transport authority must not take action under subsection (7) if—
  - (a) for a suspension of a driver licence or vehicle registration—the authority is satisfied on reasonable grounds that another ground exists on which the authority may suspend or cancel the licence or registration; or
  - (b) for a suspension of the right to drive in the ACT—the authority is satisfied on reasonable grounds that another ground exists on which the authority may suspend the right to drive.
- (9) If the road transport authority decides not to take action under subsection (7), the authority must immediately tell the person, in writing, of the decision and the reasons for the decision.

#### **49 Effect of revocation of suspension on court order**

- (1) This section applies if the road transport authority revokes a suspension in force under this division because of a declaration made by the Magistrates Court.
- (2) The revoked suspension is taken not to have happened.

#### **50 Failure to revoke suspension on court order**

- (1) This section applies if—
  - (a) the Magistrates Court makes a declaration under section 48 (Revocation of suspension on court order) in relation to a person and an infringement notice offence; and
  - (b) the road transport authority decides not to take action under section 48 (7) in relation to the person.

- (2) The person may apply to the Magistrates Court for an order setting aside the road transport authority's decision.
- (3) The road transport authority is the respondent to the application.
- (4) The road transport authority has the onus of establishing that a ground existed for the authority to decide not to take action under section 48 (7) in relation to the person.

## **Division 3.5 Disputing liability**

### **51 Disputing liability for infringement notice offence**

- (1) A person on whom an infringement notice or reminder notice has been served for an infringement notice offence may dispute liability for the offence by written notice given to the administering authority.

*Note* For how documents may be given, see the Legislation Act, pt 19.5.

- (2) The notice must set out the grounds on which the person relies.
- (3) The notice must be given to the administering authority—
  - (a) within 28 days after the date of service of the infringement notice or reminder notice; or
  - (b) if the person applies to the administering authority within the 28 days for additional time to dispute liability for the offence and the additional time is allowed—within the additional time allowed by the administering authority; or
  - (c) if the person applies to the administering authority within the 28 days for additional time to dispute liability for the offence and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service of the infringement notice or reminder notice, whichever is later.

**52 Extension of time to dispute liability**

- (1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the date of service of the notice, for stated additional time to dispute liability for the offence.
- (2) The administering authority must—
  - (a) allow or refuse to allow the additional time; and
  - (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

**53 Procedure if liability disputed**

- (1) This section applies if a person disputes liability for an infringement notice offence by giving the administering authority a notice in accordance with section 51 (Disputing liability for infringement notice offence).
- (2) The administering authority may lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice.
- (3) The administering authority must discontinue a proceeding brought against the person for the offence if, before the hearing of the proceeding, the person pays the total of—
  - (a) the infringement notice penalty; and
  - (b) the costs (if any) prescribed by regulation for beginning the proceeding; and
  - (c) the disbursements (if any) incurred by the administering authority up to the day payment is made.

- (4) If subsection (3) applies, section 29 (Effect of payment of infringement notice penalty) also applies to the person in relation to the offence, even though the person paid the infringement notice penalty for the offence after an information had been laid in the Magistrates Court against the person for the offence.
- (5) If the administering authority does not lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice, the administering authority must—
  - (a) tell the person, in writing, that no further action will be taken against the person for the offence; and
  - (b) take no further action against the person for the offence.
- (6) To remove any doubt, subsection (2) does not permit the administering authority to lay an information against a person for an offence after the end of the time within which, apart from this section, a prosecution may be brought against the person for the offence.

*Note* For the time within which a prosecution must be begun, see the Legislation Act, s 192.

## **Division 3.6 Miscellaneous**

### **53A Authorised people for infringement notice offences**

- (1) The administering authority for an infringement notice offence may appoint a person to be an authorised person to serve infringement notices or reminder notices for infringement notice offences or particular infringement notice offences.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).



- (2) The regulations may prescribe a person to be an authorised person for the service of infringement notices or reminder notices for infringement notice offences or particular infringement notice offences.
- (3) In this part:  
*authorised person* means—
- (a) for an infringement notice for an infringement notice offence—
    - (i) the administering authority; or
    - (ii) a person who is appointed under subsection (1) by the administering authority to serve an infringement notice for the offence; or
    - (iii) anyone else who, under the regulations, may serve an infringement notice for the offence; or
  - (b) for a reminder notice for an infringement notice offence—
    - (i) the administering authority; or
    - (ii) a person who is appointed under subsection (1) by the administering authority to serve a reminder notice for the offence; or
    - (iii) anyone else who, under the regulations, may serve a reminder notice for the offence.

## **54 Delegation of administering authority's functions**

- (1) The administering authority for an infringement notice offence may delegate the authority's functions under this part to—
- (a) the road transport authority; or
  - (b) a person prescribed by regulation; or

(c) a person who is an authorised person under section 19.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

- (2) A person mentioned in subsection (1) (a) or (b) may delegate functions delegated to the person under subsection (1) to anyone else.

## **55 Declarations by corporations**

A statutory declaration is made by a corporation for this part only if the statutory declaration is made by an executive officer of the corporation.

## **56 Evidentiary certificates**

- (1) This section applies to a proceeding for an infringement notice offence.
- (2) A certificate that appears to be signed by or on behalf of the administering authority, and states any matter relevant to anything done or not done under this part in relation to the offence, is evidence of the matter.
- (3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:
- (a) a stated infringement notice or reminder notice was served by a stated authorised person in a stated way on a stated person on a stated date for a stated infringement notice offence;
  - (b) the administering authority did not allow additional time, or allowed stated additional time, for payment of the infringement notice penalty or to dispute liability for the offence;
  - (c) the infringement notice penalty was not paid within the time in which it was required to be paid under this part;
  - (d) the infringement notice has not been withdrawn or was withdrawn on a stated date;

- (e) the offence involved a stated vehicle or animal;
  - (f) a stated person was the responsible person (or a responsible person) for a vehicle, or the owner (or an owner) of an animal, on a stated date (and, if relevant, at a stated time on that date);
  - (g) a stated address was, on a stated date, the last home or business address of a stated person known to the administering authority;
  - (h) a stated address or number was, on a stated date, the latest business, home or email address, or fax number, of a stated person recorded in a register or other record kept under a law of another jurisdiction corresponding to the *Road Transport (Vehicle Registration) Act 1999*;
  - (i) a stated person has not given the administering authority an illegal user declaration, a known user declaration, a sold vehicle declaration or an unknown user declaration;
  - (j) a stated person gave the administering authority a stated statutory declaration mentioned in paragraph (i) on a stated date;
  - (k) a copy of a stated statutory declaration mentioned in paragraph (i) was served by a stated authorised person in a stated way on a stated person on a stated date;
  - (l) an infringement notice penalty has not been paid by, or a penalty has not been imposed on, a stated person or anyone for the offence.
- (4) A court must accept a certificate given under this section as proof of the matters stated in it if there is no evidence to the contrary.
- (5) This section is additional to, and does not limit, section 72 (Certificate evidence and other evidentiary provisions).

**57 Costs of application for declaration**

- (1) If the Magistrates Court makes a declaration under section 48 (Revocation of suspension on court order) in relation to a person, the road transport authority must pay the person's costs and disbursements in the proceeding.
- (2) If the court refuses to make a declaration under section 48 in relation to a person, the person must pay the road transport authority's costs and disbursements in the proceeding.
- (3) If the court makes an order under section 50 (Failure to revoke suspension on court order) setting aside the road transport authority's decision not to take action under section 48 (7) in relation to a person, the authority must pay the person's costs and disbursements in the proceeding.
- (4) If the court refuses to make an order under section 50 setting aside the road transport authority's decision not to take action under section 48 (7) in relation to a person, the person must pay the authority's costs and disbursements in the proceeding.
- (5) This section has effect subject to any order made by the court.

## **Part 4**                      **Enforcement of road transport legislation**

### **Division 4.1**              **Production of licences and identification of people**

#### **58**                      **Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider**

- (1) A police officer or authorised person may, in the execution of any of his or her functions under the road transport legislation, require the driver of a vehicle, or the rider of an animal, to do any or all of the following:
- (a) for the driver of a motor vehicle—produce the person’s Australian driver licence or external driver licence;
  - (b) state the person’s name;
  - (c) state the person’s date of birth;
  - (d) state the person’s home address.
- (2) A person commits an offence if the person fails to comply with a request made by a police officer or authorised person under subsection (1).

Maximum penalty: 20 penalty units.

*Note*      It is an offence to produce false or misleading documents (see Criminal Code, s 339).

- (3) An offence against this section is a strict liability offence.
- (4) It is a defence to a prosecution for an offence against subsection (1) (a) if the defendant proves that the defendant—
- (a) was not the driver of a heavy vehicle, or heavy combination, when required to produce the licence; and

- (b) has a reasonable excuse for failing to produce the licence when required to do so; and
- (c) within 3 days after being required to produce the licence, produces the licence at a place prescribed by regulation or as directed by the police officer or authorised person.

*Note* A defendant has a legal burden in relation to the matters mentioned in s (3) (see Criminal Code, s 59).

**58A Police officer or authorised person may require name, date of birth, address and driver licence—supervisor, instructor or assessor**

- (1) This section applies to a person if—
  - (a) the person is a driving instructor who is with a driver for the purposes of—
    - (i) driver instruction; or
    - (ii) driver assessment; or
  - (b) the person is a heavy vehicle driver assessor who is with a driver for the purposes of driver assessment; or
  - (c) the person is a driving supervisor who is with a person who holds a learner licence (a *learner driver*) while the learner driver drives a motor vehicle that displays, or ought to display, L-plates on a road or road related area.
- (2) A police officer or authorised person may require the person to do any or all of the following:
  - (a) produce the person’s Australian driver licence;
  - (b) state the person’s name;
  - (c) state the person’s date of birth;
  - (d) state the person’s home address.

- (3) A person commits an offence if the person fails to comply with a request made by a police officer or authorised person under subsection (2).

Maximum penalty: 20 penalty units.

*Note* It is an offence to produce false or misleading documents (see Criminal Code, s 339).

- (4) An offence against this section is a strict liability offence.
- (5) It is a defence to a prosecution for an offence against subsection (2) (a) if the defendant proves that the defendant—
- (a) was a driving supervisor, driving instructor or heavy vehicle driver assessor when required to produce the licence; and
  - (b) has a reasonable excuse for failing to produce the licence when required to do so; and
  - (c) within 3 days after being required to produce the licence, produced the licence at a place prescribed by regulation or as directed by the police officer or authorised person.

*Note* A defendant has a legal burden in relation to the matters mentioned in s (4) (see Criminal Code, s 59).

- (6) In this section:

***driver assessment***—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

***driver instruction***—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

***driving instructor***—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

***driving supervisor***—see the *Road Transport (Driver Licensing) Regulation 2000*, section 21 (1).

***heavy vehicle driver assessor***—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

**U 59 Seizure of licences**

- (1) A police officer or authorised person may, with no authority other than this section, seize an Australian driver licence or external driver licence, or anything resembling an Australian driver licence or external driver licence, if—
  - (a) it is produced to the police officer or authorised person by someone representing it to be the person’s Australian driver licence or external driver licence; and
  - (b) the police officer or authorised person suspects on reasonable grounds—
    - (i) that it has been obtained in contravention of the *Road Transport (Driver Licensing) Act 1999*, section 29 (Obtaining licence by false statements etc), a corresponding law (within the meaning of that Act) or the law of an external territory or foreign country; or
    - (ii) that it is unlawfully in the person’s possession.
- (2) If a person produces an Australian driver licence or external driver licence, or anything resembling an Australian driver licence or external driver licence, to a police officer or authorised person and represents it to be the person’s Australian driver licence or external driver licence, the police officer or authorised person may provide the person with adequate writing materials and require the person to provide a specimen of his or her signature on the form approved under section 225 for this subsection or in a way prescribed by regulation.
- (3) A person must not, without reasonable excuse, fail to comply with a request under subsection (2).

Maximum penalty: 20 penalty units.



- (4) The grounds on which a suspicion, sufficient to authorise the seizure of an Australian driver licence or external driver licence or anything else (the *licence or article*) under this section, may be formed include (but are not limited to) any 1 or more of the following:
- (a) a lack of resemblance between the person shown in a photograph attached to or forming part of the licence or article, purporting to be a photograph of the holder, and the person who produced it;
  - (b) a lack of resemblance between a signature on the licence or article, purporting to be the signature of the holder, and a specimen signature provided by the person who produced the licence or article;
  - (c) a refusal by the person, after producing the licence or article, to comply with a requirement under subsection (2).
- (5) An Australian driver licence, external driver licence or anything else seized under this section must immediately be given to the road transport authority.
- (6) If the road transport authority is satisfied that an Australian driver licence or external driver licence given to the authority was lawfully in the possession of the person who produced it, the authority must return it to the person.
- (7) The road transport authority may deal with anything else given to the authority under this section in the way the authority considers appropriate.

**60 Police officer or authorised person may require people to disclose identity of driver**

- (1) If the driver of a motor vehicle is alleged to have committed an offence against the road transport legislation—
- (a) the responsible person for the vehicle, or the person in possession of the vehicle, must, when required to do so by a

police officer or authorised person, give information (which must, if so required, be given in the form of a written statement signed by the person) about the name and home address of the driver at the time of the offence; and

- (b) anyone else must, when required to do so by a police officer or authorised person, give any information that the person can give that may lead to the identification of the driver.

Maximum penalty: 20 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) (a) if the defendant establishes that the defendant did not know and could not with reasonable diligence have found out the driver's name and home address.

- (3) If—

(a) a written statement purporting to be given under subsection (1) (a) is produced in court in a prosecution of the person named in the statement as the driver of a vehicle at the time of an alleged offence against the road transport legislation; and

(b) the person does not appear before the court; and

(c) a copy of the statement was served on the person before the proceeding was begun;

the statement is evidence without proof of signature that the named person was the driver of the vehicle at that time.

## **61 Production of driver licence to court**

- (1) A person who is the holder of a driver licence and is charged with an offence against the road transport legislation must produce his or her driver licence to the court at the hearing of the charge.

- (2) A person must not, without reasonable excuse, fail to comply with subsection (1).

Maximum penalty (subsection (2)): 20 penalty units.

## **Division 4.2                    Licence suspension, disqualification and related matters**

### **61A            Definitions—div 4.2**

In this division:

*automatic disqualification provision* means any of the following provisions:

- (a) section 62 (Automatic disqualification for culpable driving);
- (b) section 63 (Automatic disqualification for certain other driving offences);
- (c) *Road Transport (Alcohol and Drugs) Act 1977*, section 32 (which is about automatic disqualification of first offender drivers for exceeding the prescribed blood alcohol concentration);
- (d) *Road Transport (Alcohol and Drugs) Act 1977*, section 33 (which is about automatic disqualification of repeat offender drivers for exceeding the prescribed blood alcohol concentration);
- (e) *Road Transport (Alcohol and Drugs) Act 1977*, section 34 (which is about automatic disqualification for other offences against that Act);
- (f) *Road Transport (Driver Licensing) Act 1999*, section 31 (3) (which is about automatic disqualification for repeat offenders for driving while not holding (and never having held) an Australian driver licence);

- (g) *Road Transport (Driver Licensing) Act 1999*, section 32 (5) (which is about automatic disqualification for an offence of driving or fraudulently applying for a driver licence while disqualified, or after licence suspension, cancellation or refusal).

**driver trainer**—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

**immediate suspension notice** (or **suspension notice**) means a notice under section 61B given to a person for an immediate suspension offence.

**immediate suspension offence** (or **suspension offence**) means an offence against any of the following provisions of the *Road Transport (Alcohol and Drugs) Act 1977* in the circumstances (if any) mentioned for the provision:

- (a) section 19 (Prescribed concentration of alcohol in blood or breath), if the person to whom the offence relates is—
- (i) a special driver, other than a driver trainer, with a concentration of alcohol in the person's blood or breath that is 0.05g or more per 100mL of blood or 210L of breath; or
  - (ii) a driver, other than a special driver, with a concentration of alcohol in the person's blood or breath that is 0.1g or more per 100mL of blood or 210L of breath;
- (b) section 22 (Refusing to provide breath sample);
- (c) section 23 (Refusing blood test etc);
- (d) section 24 (Driving under the influence of intoxicating liquor or a drug);
- (e) an offence prescribed for the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary definition of **disqualifying offence**, paragraph (e) by regulation under that Act.

*interstate driver licence* means a licence (including a conditional licence, learner licence, probationary licence, provisional licence or restricted licence or a driver licence receipt) issued under the law of another State authorising the holder to drive a motor vehicle on a road or road related area.

*special driver*—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

*suspension notice*—see *immediate suspension notice*.

*suspension offence*—see *immediate suspension offence*.

**U** **61B** **Immediate suspension of licence**

- (1) If a police officer believes on reasonable grounds that a person has committed an immediate suspension offence, the police officer must give the person an immediate suspension notice for the offence.
- (2) A suspension notice must include the following information:
  - (a) a unique identifying number;
  - (b) the date and time the notice is given;
  - (c) the full name, or surname and initials, and home address of the person;
  - (d) particulars of the suspension offence to which the notice relates and, if the offence is against the *Road Transport (Alcohol and Drugs) Act 1977*, section 19 (Prescribed concentration of alcohol in blood or breath), the concentration of alcohol alleged to be present in the person's blood or breath;
  - (e) the service number of the police officer who gave the suspension notice;
  - (f) a statement telling the person that while the notice is in effect—

- (i) if the person is the holder of a driver licence—the person’s licence is suspended; and
  - (ii) if the person is the holder of an interstate driver licence or an external driver licence—the person’s right to drive in the ACT is suspended; and
  - (iii) the person’s driver licence must be surrendered to a police officer in accordance with the requirements of the notice; and
  - (iv) if the person is the holder of a driver licence—the person must not drive a vehicle; and
  - (v) if the person is the holder of an interstate driver licence or an external driver licence—the person must not drive a vehicle in the ACT; and
  - (vi) the person is not eligible to apply for a driver licence; and
  - (vii) the person has a right to apply to the Magistrates Court for a stay of the suspension notice;
  - (g) a statement telling the person that the notice ceases to have effect if any of the circumstances mentioned in subsection (5) apply;
  - (h) anything else prescribed by regulation.
- (3) A suspension notice takes effect as soon as it is served on the person.
- (4) The following provisions apply if a person is served with a suspension notice:
- (a) if the person is the holder of a driver licence—the person’s licence is suspended;
  - (b) if the person is the holder of an interstate driver licence or an external driver licence—the person’s right to drive in the ACT is suspended;

- (c) the person must surrender to a police officer the person's driver licence or, if the person is unable to do so at the time, the person must surrender the licence as soon as practicable in accordance with the requirements of the suspension notice;
- (d) if the person is the holder of a driver licence—the person must not drive a vehicle;
- (e) if the person is the holder of an interstate driver licence or an external driver licence—the person must not drive a vehicle in the ACT;
- (f) the person is not entitled to apply for, or be issued with, a restricted licence during the suspension period.

*Note* A person served with a suspension notice may apply to the Magistrates Court for a stay of the operation of the suspension notice (see s 61F).

- (5) A suspension notice ceases to have effect if—
  - (a) the Magistrates Court orders a stay of the notice; or
  - (b) the proceeding for the suspension offence for which the notice was issued is withdrawn or discontinued; or
  - (c) the suspension offence for which the notice was issued is found proved, dismissed or taken into account by a court; or
  - (d) 90 days have elapsed since the day the notice was served and an event mentioned in paragraph (a), (b) or (c) has not happened in relation to the notice.

### **61C Drive while suspension notice in effect**

- (1) A person commits an offence if—
  - (a) the person has been served with an immediate suspension notice; and
  - (b) the notice has not ceased to have effect; and

(c) the person contravenes section 61B (4) (d) or section 61B (4) (e), whichever applies.

Maximum penalty: 20 penalty units.

(2) An offence against this section is a strict liability offence.

#### **61D Failure to surrender suspended licence**

(1) A person commits an offence if the person fails to surrender the person's driver licence when required to do so under section 61B (4) (c).

Maximum penalty: 20 penalty units.

(2) An offence against this section is a strict liability offence.

#### **61E Surrendered licences**

(1) This section applies if a driver licence is surrendered to a police officer under section 61B.

(2) The police officer must give the licence to the road transport authority as soon as practicable (but within 14 days) after the licence is surrendered to the police officer.

#### **61F Application for stay of suspension notice**

(1) A person served with a suspension notice under section 61B (Immediate suspension of licence) may apply to the Magistrates Court for a stay of the operation of the suspension notice.

(2) The application may be made by filing the following documents not later than 28 days after the day the applicant was served with the suspension notice:

- (a) a notice setting out the grounds of the application;
- (b) an affidavit in support of the application.

(3) The registrar must, as soon as practicable after the application is filed—



- (a) set a hearing date for the application; and
  - (b) give the applicant and the chief police officer written notice of the time and place of the hearing of the application.
- (4) The chief police officer must file any relevant material that the chief police officer proposes to rely on at the hearing of the application, not later than 10 days after the day the chief police officer was given the documents mentioned in subsection (2).
- (5) The registrar must, as soon as practicable after the chief police officer has filed any documents under subsection (4), give the applicant a copy of the documents.
- (6) Despite any error in a notice under subsection (3) or a failure to give notice under that subsection, the court may hear and decide the application if it is satisfied that the parties—
- (a) knew about the time and place of the hearing; and
  - (b) were not prejudiced by the error or failure.

### **61G Deciding application**

- (1) The Magistrates Court may hear and decide an application under section 61F and may make—
- (a) an order confirming the decision to give the applicant an immediate suspension notice; or
  - (b) an order staying the operation of the suspension notice; or
  - (c) any other order the court considers appropriate.
- (2) However, the court must not make an order under subsection (1) (b) unless satisfied that exceptional circumstances justify making the order.
- (3) The court must take into account the following matters when deciding if exceptional circumstances justify making an order under subsection (1) (b):

- (a) the risk to the safety of other road users;
  - (b) the applicant's need for a licence;
  - (c) the matters contained in the suspension notice;
  - (d) any other matter the court considers relevant.
- (4) In deciding a person's application under section 61F, the court must not decide—
- (a) the guilt or innocence of the person for the offence to which the suspension notice relates; or
  - (b) the imposition or level of a penalty for the offence.

## **62 Automatic disqualification for culpable driving**

- (1) If a court convicts a person of an offence of culpable driving, the person is automatically disqualified from holding or obtaining a driver licence—
- (a) for a first offender—for 6 months or, if the court orders a longer period, the longer period; or
  - (b) for a repeat offender—for 24 months or, if the court orders a longer period, the longer period.
- (2) If the Magistrates Court commits the person to the Supreme Court for sentence under the *Magistrates Court Act 1930*, section 92A, subsection (1) applies as if the Supreme Court had convicted the person.
- (3) If the person is already disqualified from holding or obtaining a driver licence, or the person's driver licence is suspended, the disqualification under this section takes effect at the end of the existing disqualification or suspension.
- (4) A disqualification under this section is in addition to any penalty imposed for the offence.

- (5) For this section—
- (a) a person who is convicted of an offence of culpable driving (the *current offence*) is a *repeat offender* in relation to the current offence if the person has been convicted, or found guilty, of an offence of culpable driving, or an offence to which section 63 applies, within 5 years before being convicted of the current offence; and
  - (b) a person who is convicted of an offence of culpable driving is a *first offender* in relation to the offence if the person is not a repeat offender in relation to the offence.

**63 Automatic disqualification for certain other driving offences**

- (1) This section applies to the following offences:
- (a) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5A (1) or (5) (which are about races, attempts on speed records, speed trials etc);
  - (b) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5B (2) or (4) (which are about burnouts and other prohibited conduct);
  - (c) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 6 (1) (which is about negligent driving) that occasions death or grievous bodily harm (within the meaning of that section);
  - (d) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 7 (1) (which is about furious, reckless or dangerous driving);
  - (e) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 8 (1) or (2) (which are about menacing driving).

- (2) If a court convicts a person of an offence to which this section applies, the person is automatically disqualified from holding or obtaining a driver licence—
  - (a) for a first offender—for 3 months or, if the court orders a longer period, the longer period; or
  - (b) for a repeat offender—for 12 months or, if the court orders a longer period, the longer period.
- (3) If the person is already disqualified from holding or obtaining a driver licence, or the person's driver licence is suspended, the disqualification under this section takes effect at the end of the existing disqualification or suspension.
- (4) A disqualification under this section is in addition to any penalty imposed for the offence.
- (5) For this section—
  - (a) a person who is convicted of an offence to which this section applies (the *current offence*) is a *repeat offender* in relation to the current offence if the person has been convicted, or found guilty, of an offence to which this section applies, or an offence of culpable driving, within 5 years before being convicted of the current offence; and
  - (b) a person who is convicted of an offence to which this section applies is a *first offender* in relation to the offence if the person is not a repeat offender in relation to the offence.

#### **64 Court may order disqualification for other offences**

- (1) A court that convicts a person, or finds a person guilty, of an offence against the road transport legislation may disqualify the person from holding or obtaining a driver licence for the period the court considers appropriate.

- (2) However, if the offence is an offence against an automatic disqualification provision, any order under subsection (1) is subject to the automatic disqualification period for the offence.
- (3) If the court disqualifies the person, the person is disqualified from holding or obtaining a driver licence for the period ordered by the court.
- (4) A disqualification under this section is in addition to any penalty imposed for the offence.

*Note* A court may also order that a driver is disqualified from obtaining or holding an Australian driver licence under the *Road Transport (Mass, Dimensions and Loading) Act 2009*, s 204.

## **65 Disqualification until court order**

- (1) This section applies if—
  - (a) a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted, or found guilty, of an offence, or offences, against the road transport legislation or any other territory law; and
  - (b) the total period of disqualification (the ***compulsory disqualification period***) is 12 months or more.
- (2) If the court that convicts the person, or finds the person guilty, of an offence mentioned in subsection (1) is satisfied, after considering the matters mentioned in subsection (7) and any other matters the court considers relevant, that it is necessary in the public interest to do so, the court may disqualify the person from holding or obtaining a driver licence from the end of the compulsory disqualification period until the disqualification is set aside under subsection (3).
- (3) If a court is satisfied, on application by a person who is disqualified under subsection (2) and after considering the matters mentioned in subsection (7) and any other matters the court considers relevant, that the disqualification is no longer necessary in the public interest, it may set the disqualification aside.

- (4) An application under subsection (3) must be given to the registrar of the court with an affidavit of the applicant setting out the grounds of the application.
- (5) The respondents to an application are the road transport authority and the chief police officer.
- (6) If the Magistrates Court commits a person mentioned in subsection (1) to the Supreme Court for sentence under the *Magistrates Court Act 1930*, section 92A, subsection (2) applies as if the Supreme Court had convicted the person.
- (7) For subsection (2) or (3), the court must consider the following matters:
  - (a) the total period for which the person concerned is, or has been, disqualified from holding or obtaining a driver licence;
  - (b) the person's history of offences (including offences for which infringement notices were served on the person)—
    - (i) against the road transport legislation or a law of another jurisdiction corresponding to it (or to part of it); or
    - (ii) against another law of any jurisdiction in relation to the use of motor vehicles;
  - (c) any relevant rehabilitation or remedial action undertaken, or to be undertaken, by the person;
  - (d) the risk to the safety of other road users.
- (8) In this section:

*infringement notice* includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

**66 Effect of disqualification**

- (1) If a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted, or found guilty, by a court of an offence against a territory law, the disqualification operates to cancel any driver licence held by the person at the time of his or her disqualification.
- (2) The cancellation takes effect at the same time as the disqualification.
- (3) If a person is disqualified from holding or obtaining an Australian driver licence in another jurisdiction because of being convicted, or found guilty, by a court of that jurisdiction for an offence against the law of that jurisdiction, the disqualification has effect in the ACT as if it were a disqualification from holding or obtaining a driver licence made under a territory law because the person had been convicted by an ACT court of an offence against a territory law.
- (4) If the holder of a driver licence is disqualified as mentioned in subsection (1) or (3), the person must surrender the licence—
  - (a) if the person is present at the court, the court is an ACT court and the person is in possession of his or her driver licence—to the court immediately after being disqualified; or
  - (b) in any other case—to the road transport authority as soon as practicable (but within 14 days) after being disqualified.

Maximum penalty: 20 penalty units.

- (5) If a driver licence is surrendered to a court, the licence must be given to the road transport authority.
- (6) Subject to any other provision of this division, a person who is disqualified from holding or obtaining a driver licence is not eligible to apply for, or be issued with, another driver licence, other than a restricted licence, during the period of disqualification.

*Note 1* Sections 66A to 67C affect the eligibility of a person to apply for or be issued with a restricted licence.

*Note 2* The following provisions of the road transport legislation also contain limitations on the issue of restricted licences:

- s 45 (3) (which is about suspension for nonpayment of an infringement notice)
- s 88 (4) (which is about suspension or disqualification for default in payment of an outstanding fine)
- the *Road Transport (Driver Licensing) Act 1999*, s 18 (4), s 19 (7), s 20 (3) and s 21 (7) (which are about suspension or licence ineligibility under the demerit points system)
- the *Road Transport (Driver Licensing) Act 1999*, s 33 (5) (which is about cancellation of a restricted licence because of contravention of its conditions)
- the *Road Transport (Driver Licensing) Regulation 2000*.

**66A Person disqualified in another jurisdiction not eligible for restricted licence**

- (1) This section applies to a person if the person is disqualified from holding or obtaining an Australian driver licence in another jurisdiction.
- (2) The person is not eligible to apply for, or be issued with, a restricted licence during the period of disqualification.

**67 Disqualified repeat offender not eligible for restricted licence—automatic disqualification provisions**

- (1) This section applies to a person if the person is—
  - (a) disqualified from holding or obtaining a driver licence under an automatic disqualification provision; and
  - (b) a repeat offender for the offence to which the disqualification relates.
- (2) The person is not eligible to apply for, or be issued with, a restricted driver licence during the period of disqualification.



**67A Eligibility of disqualified first offender for restricted licence—automatic disqualification provisions**

- (1) This section applies to a person if the person is—
  - (a) disqualified from holding or obtaining a driver licence under an automatic disqualification provision; and
  - (b) a first offender for the offence to which the disqualification relates.
- (2) Subsection (3) applies to the person if—
  - (a) the person is disqualified from holding or obtaining a driver licence under the *Road Transport (Alcohol and Drugs) Act 1977*, section 32 (Automatic driver licence disqualification—first offenders, s 19) because the person was convicted or found guilty of an offence against that Act, section 19; *and*
  - (b) *when the person committed the offence the person was either—*
    - (i) a special driver with a concentration of alcohol of 0.05g or more in 100mL of the person’s blood or 210L of the person’s breath; or
    - (ii) a driver other than a special driver with a concentration of alcohol of 0.1g or more in 100mL of the person’s blood or 210L of the person’s breath when the person committed the offence.
- (3) The person is not eligible to apply for, or be issued with, a restricted licence during the period of disqualification.
- (4) Subsection (5) applies to the person if the person is disqualified from holding or obtaining a driver licence under an automatic disqualification provision, other than the *Road Transport (Alcohol and Drugs) Act 1977*, section 32.

- (5) The person is not eligible to apply for, or be issued with, a restricted licence until the end of the minimum period of disqualification applying to the person under the automatic disqualification provision in relation to the offence (whether or not the period is expressed to be such a minimum period).

**Examples—minimum periods of disqualification**

- 1 For s 62, the minimum period of disqualification is 6 months (see s 62 (1) (a)).
- 2 For the *Road Transport (Alcohol and Drugs) Act 1977*, s 34, the minimum period of disqualification is 6 months (see that Act, s 34 (1) (b)).
- 3 For the *Road Transport (Driver Licensing) Act 1999*, s 32 (1), (2) or (3), the minimum period of disqualification is 12 months (see that Act, s 32 (5) (a)).

*Note 1* The *Road Transport (Alcohol and Drugs) Act 1977*, s 32 applies to first offenders and only applies for this section if the offender has a limited concentration of alcohol in his or her blood or breath. That Act, s 33, applies to repeat offenders.

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (6) In this section:

*special driver*—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

**67B Person disqualified until court order not eligible for restricted licence**

- (1) This section applies to a person if the person is disqualified from holding or obtaining a driver licence under section 65 (Disqualification until court order).
- (2) The person is not eligible to apply for, or be issued with, a restricted licence during the period of disqualification.

**67C Disqualification while holder of restricted licence**

- (1) This section applies to a person who is the holder of a restricted licence and is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction.
- (2) The person is not eligible to apply for, or be issued with, another restricted licence for the remainder of the period for which the person was originally disqualified from holding or obtaining a driver licence.

**68 When licence disqualification takes effect**

If a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction, the disqualification takes effect from the time of the conviction or finding or, if the court orders a later date, on the later date.

**69 Multiple disqualifications cumulative unless court orders otherwise**

If—

- (a) a person is disqualified (whether or not by court order) from holding or obtaining an Australian driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction; and
- (b) before the period of disqualification has ended, the person is again so disqualified;

the periods of disqualification are cumulative unless a court in Australia orders otherwise.

**70 Additional powers of court**

The powers of a court under this division are additional to the other powers of the court.

**71 Effect on disqualification of quashing of conviction etc**

- (1) This section applies if—
  - (a) a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction; and
  - (b) the conviction or finding is quashed or set aside.
- (2) The disqualification ceases to have effect, and any driver licence cancelled because of the disqualification is taken not to have been so cancelled.

**Division 4.3 Evidentiary provisions in relation to road transport legislation**

**72 Certificate evidence and other evidentiary provisions**

- (1) A certificate that appears to be signed by or on behalf of the road transport authority or the CTP regulator, and states any of the following matters, is evidence of:
  - (a) a matter that appears in or can be worked out from the demerit points register or driver licence register kept under the *Road Transport (Driver Licensing) Act 1999*;
  - (b) a matter that appears in or can be worked out from (or does not appear in or cannot be worked out from) the registrable vehicles register kept under the *Road Transport (Vehicle Registration) Act 1999*;

- (c) a matter that appears in, or can be worked out from, the CTP insurer licence register kept under the *Road Transport (Third-Party Insurance) Act 2008*;
  - (d) a matter that appears in or can be worked out from any other record kept by the authority under the road transport legislation.
- (2) A certificate mentioned in subsection (1) may state a matter by reference to a date or period.
  - (3) A certificate that appears to be signed by or on behalf of the road transport authority or the CTP regulator, and states any matter prescribed by regulation for this section, is evidence of the matter.
  - (4) A court may admit as evidence a document issued under the law of another jurisdiction, an external territory or foreign country that relates to—
    - (a) whether a person has or does not have an Australian driver licence or external driver licence, the extent of the authority given by such a licence and any conditions of such a licence; or
    - (b) whether a person is or was disqualified from holding or obtaining an Australian driver licence or external driver licence and the circumstances of any such disqualification; or
    - (c) any offence against a law of that other jurisdiction corresponding to the road transport legislation (or a provision of it), or against another law of that jurisdiction in relation to the use of a motor vehicle or driver licensing, of which a person has been convicted or found guilty, or for which an infringement notice has been served on a person, including any penalty imposed or other order made in relation to the offence and any disqualification from holding or obtaining an Australian driver licence applying to the person because of the offence; or

- (d) demerit points incurred by a person; or
  - (e) anything else prescribed by regulation.
- (5) A court may admit as evidence a document that is issued under a law of another jurisdiction corresponding to this section and that relates to—
- (a) the registration or non-registration of a registrable vehicle; or
  - (b) a person recorded on a register of registrable vehicles, kept under the law of that jurisdiction that corresponds to the *Road Transport (Vehicle Registration) Act 1999*, as a registered operator of a registrable vehicle; or
  - (c) the GCM, GVM, load capacity or identification of a motor vehicle; or
  - (d) anything else about the use of registrable vehicles on roads or road related areas.
- (6) A court must accept a certificate or other document mentioned in this section as proof of the matters stated in it if there is no evidence to the contrary.
- (7) A court may or must admit into evidence other documents prescribed by regulation in the circumstances prescribed by regulation.
- (8) In a proceeding in a court, proof that a registrable vehicle does not have a numberplate on it issued under the *Road Transport (Vehicle Registration) Act 1999* is evidence that the vehicle is not registered if there is no evidence to the contrary.
- (9) In this section:
- GCM**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.
- GVM**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

*infringement notice* means a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

### **73 Acts and omissions of representatives**

(1) In this section:

*representative* means—

- (a) for a corporation—an executive officer, employee or agent of the corporation; or
- (b) for an individual—an employee or agent of the individual.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against the road transport legislation.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person establishes that

reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

- (5) An individual who is convicted of an offence cannot be punished by imprisonment for the offence if the individual would not have been convicted of the offence without subsection (3) or (4).

## **Division 4.4 Proceedings for offences under road transport legislation**

### **74 Proceedings for offences**

An offence against the road transport legislation may be prosecuted summarily before the Magistrates Court.

### **75 Short descriptions of offences**

- (1) An offence against the road transport legislation is sufficiently stated or described in an information, summons, subpoena, warrant, notice, order or other document, if it is stated or described using—
- (a) the short description prescribed by regulation for the offence; or
  - (b) an expression substantially the same as the short description.
- (2) This section does not affect any other way of stating or describing an offence.

## **Division 4.5 Miscellaneous**

### **76 Speed inhibitor conditions**

- (1) A regulation may—
- (a) provide that any driver licence held by a person who has been convicted, or found guilty, of an offence against the *Road Transport (Safety and Traffic Management) Act 1999* prescribed by regulation for this section is automatically



subject, or may be ordered by a court to be subject, to a speed inhibitor condition; and

- (b) provide a penalty for breach of a speed inhibitor condition; and
- (c) prescribe any matter necessary or convenient to be prescribed in relation to devices mentioned in subsection (2), definition of *speed inhibitor condition*.

(2) In this section:

*speed inhibitor condition* means a condition limiting a driver licence to the driving of a motor vehicle to which is fitted a sealed device preventing the engine from propelling the vehicle at more than the speed prescribed by regulation for this definition.

## **77 Compensation for loss of time etc**

- (1) If an information is laid by anyone (except a police officer, an authorised person or the road transport authority) for an offence against the road transport legislation and the proceeding is dismissed or withdrawn, the court may order the person to pay to the defendant, as well as any costs or disbursements, compensation for loss of time or anything else.
- (2) Subsection (1) extends to a court hearing an appeal in the proceeding.

## **78 Effect on certain cancellations of quashing of conviction etc**

- (1) This section applies if—
  - (a) a person's driver licence is cancelled (whether or not by court order) because the person is convicted or found guilty by a court in Australia of an offence against a law of any jurisdiction; and
  - (b) the conviction or finding is quashed or set aside; and

- (c) section 71 (Effect on disqualification of quashing of conviction etc) does not apply to the cancellation.
- (2) From the time the conviction or finding is quashed or set aside, the driver licence is taken not to have been so cancelled.

**79 Courts to provide particulars of convictions, orders etc**

If a court convicts a person, or finds a person guilty, of an offence against the road transport legislation or an offence of culpable driving, or makes an order against a person under the road transport legislation, the court must give particulars of the conviction, finding or order to the road transport authority.

## **Part 5**                      **Further provisions about vehicles, roads and road related areas**

### **Division 5.1**              **Police powers**

#### **80**                      **Power of entry for tracing stolen motor vehicles or trailers or their parts**

A police officer authorised by the chief police officer may—

- (a) at any reasonable time, enter any premises or place where the business of carrying out repairs, resulting from accidents, to damaged motor vehicles or trailers is ordinarily carried on; and
- (b) inspect any motor vehicle or trailer, or part of a motor vehicle or trailer, in or on the premises or place to find out whether it is a stolen motor vehicle, trailer or part.

#### **81**                      **Use of tyre deflation devices**

- (1) The chief police officer may authorise police officers to use tyre deflation devices.
- (2) Subsection (1) applies despite any other territory law that would prohibit or restrict the use of tyre deflation devices by police officers.
- (3) In this section:

*tyre deflation devices* means any device or substance designed to cause the deflation of vehicle tyres.

## **Division 5.2 Unauthorised use of vehicles**

### **82 Motor vehicles or trailers not to be used without owner's consent**

- (1) A person must not use a motor vehicle or trailer without the owner's consent and without a reasonable excuse.

Maximum penalty: 20 penalty units.

- (2) This section does not apply to—
- (a) a police officer acting in the exercise of his or her functions under a territory law; or
  - (b) anyone else acting with the authority, or under the direction of, a police officer acting in the exercise of his or her functions under a territory law.

### **83 Procuring use or hire of motor vehicle or trailer by fraud etc**

A person must not procure the use or hire of a motor vehicle or trailer by fraud or misrepresentation.

Maximum penalty: 20 penalty units.

## **Division 5.3 Written-off vehicles register**

### **83A Purposes of div 5.3**

The purposes of this division are—

- (a) to curtail trade in stolen vehicles by preventing vehicle information about written-off vehicles, particularly vehicle identifiers, being used to register stolen vehicles; and
- (b) to facilitate inspection of written-off vehicles that have been repaired; and

- (c) to make information available to prospective purchasers about whether a vehicle has previously been written-off.

### **83B Definitions for div 5.3**

In this division:

*total loss*—see section 83C.

*vehicle identifier* means—

- (a) for a vehicle manufactured before 1 January 1989—
- (i) if the vehicle has a chassis or engine number—the number; or
  - (ii) in any other case—any number permanently marked by the vehicle’s manufacturer on the vehicle for its identification; or
- (b) for a vehicle manufactured after 31 December 1988—
- (i) if the vehicle has a vehicle identification number allocated in accordance with an Australian Design Rule—the number; or
  - (ii) in any other case—any number permanently marked by the vehicle’s manufacturer on the vehicle for its identification; or
- (c) if a number mentioned in paragraph (a) or (b) has been replaced by the road transport authority or an entity of another jurisdiction that corresponds to the authority—the replacement number.

*written-off* vehicle means—

- (a) a vehicle that is assessed by a person prescribed by regulation to be a total loss; or
- (b) a vehicle that a person prescribed by regulation begins to demolish or dismantle.

*written-off vehicles register* means the written-off vehicles register under section 83D.

### **83C When a vehicle is a *total loss***

For this division, a vehicle is a *total loss* if the vehicle has been damaged by any event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a road or road related area would be more than its fair market value immediately before the event that caused the damage.

#### **Examples of events that may damage a vehicle**

collision, fire, flood, accident, trespass, dismantling and demolition

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

### **83D Written-off vehicles register**

- (1) The road transport authority must keep a written-off vehicles register.
- (2) The register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.
- (3) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (4) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (5) The road transport authority may authorise a person to make entries in the register.
- (6) This section does not limit the functions of the road transport authority in relation to the register.

### **83E Security and disclosure of information in register**

The road transport authority must ensure that information in the written-off vehicles register is kept securely and disclosed only in accordance with this Act or another law in force in the ACT.

*Note 1* The Information Privacy Principles apply to the road transport authority. Principle 4 states requirements about the storage and security of personal information and principle 11 states when personal information may be disclosed by an agency (see *Privacy Act 1988* (Cwlth), s 14).

*Note 2* Access to the register may be sought under the *Freedom of Information Act 1989* (which also provides that certain information is exempt from disclosure).

### **83F Regulations about written-off vehicles**

- (1) A regulation may make provision in relation to written-off vehicles and the written-off vehicles register, including—
  - (a) the vehicles to which this division applies; and
  - (b) when a prescribed person must give information to the road transport authority about a written-off vehicle, the kind of information that must be given, and how the information is to be given; and
  - (c) the disclosure of information in the register.
- (2) In particular, a regulation may make provision in relation to—
  - (a) vehicles recorded as written-off vehicles under the law of another jurisdiction; and
  - (b) matters relating to notices for, and the placement of notices on, written-off vehicles; and
  - (c) matters relating to the removal, defacement or destruction of vehicle identifiers on written-off vehicles; and

- (d) the keeping of records by prescribed people or the doing of anything else by prescribed people in relation to written-off vehicles; and
- (e) the entry of information into the written-off vehicles register by a person or the doing of anything else in relation to the register.



## Part 6 Fine defaulters

### 84A Meaning of *revocation notice*—pt 6

In this part:

*revocation notice* means a notice under the *Crimes (Sentence Administration) Act 2005*, section 116M (2) that—

- (a) an arrangement for the payment of an outstanding fine has been approved; or
- (b) an outstanding fine has been paid; or
- (c) a fine has been remitted; or
- (d) a person has completed serving a period of imprisonment in relation to an outstanding fine; or
- (e) the conviction or order that gave rise to a person's liability to pay a fine has been quashed or set aside.

### U 84 Suspension of driver licence, registration etc for default of court imposed fine

- (1) This section applies if the road transport authority is notified under the *Crimes (Sentence Administration) Act 2005*, section 116M (1) that a person has defaulted in payment of an outstanding fine.

*Note* The *Crimes (Sentence Administration) Act 2005*, s 116M (1) requires the chief executive mentioned in that Act to notify the road transport authority if a person has defaulted on a court imposed fine.

- (2) The road transport authority must—
- (a) send the person a written notice (a *fine enforcement notice*) that contains the information required by subsection (3); and

- (b) if the outstanding fine is not paid before the enforcement date in the fine enforcement notice—take action under subsection (5) (the *fine enforcement action*) on the enforcement date.
- (3) A fine enforcement notice must state—
- (a) particulars of the default notice and the reminder notice for the outstanding fine to which the fine enforcement notice relates; and
- Note* The *Crimes (Sentence Administration) Act 2005*, deals with default notices (see s 116H (1)) and reminder notices (see s 116J (1)).
- (b) that if the person does not pay the outstanding fine by a stated date (the *enforcement date*), the authority will take fine enforcement action on the enforcement date; and
- (c) any information prescribed by regulation; and
- (d) any other information that the road transport authority considers appropriate.
- (4) However, the enforcement date must not be earlier than 10 days after the day the fine enforcement notice is sent to the person.
- (5) If the road transport authority is required to take fine enforcement action, the authority must—
- (a) suspend the person’s driver licence; or
- (b) if the person is not the holder of a driver licence but is the sole registered operator of—
- (i) 1 motor vehicle—suspend the registration of the vehicle; or
- (ii) 2 or more motor vehicles—suspend the registration of 1 vehicle for each outstanding fine, starting with the vehicle with the shortest period of registration left; or

- (c) if the person is not the holder of a driver licence and is not the sole registered operator of a motor vehicle—disqualify the person from obtaining a driver licence.

**85 Notification and duration of suspension of driver licence, registration etc**

- (1) Fine enforcement action under this part takes effect on the enforcement date stated in the notice sent to the person under section 84 (2).
- (2) If the road transport authority takes fine enforcement action under section 84 (5), the authority must send a fine enforcement confirmation notice to the person that states—
  - (a) the enforcement date; and
  - (b) the action that was taken on the enforcement date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (3) A suspension of a driver licence under this part remains in force until:
  - (a) the suspension is revoked under this part; or
  - (b) the licence expires or is cancelled under the road transport legislation.
- (4) A suspension of a motor vehicle registration under this part remains in force until—
  - (a) the suspension is revoked under this part; or
  - (b) the registration expires or is cancelled under the *Road Transport (Vehicle Registration) Act 1999*.
- (5) The disqualification of a person from obtaining a driver licence under this part remains in force until revoked under this part.

**86 Revocation of suspension of driver licence, registration etc**

- (1) If the road transport authority is given a revocation notice for a person, the road transport authority must revoke the relevant suspension or disqualification under this part and give the person written notice of the revocation.
- (2) The revocation does not affect—
  - (a) a suspension of a driver licence; or
  - (b) a suspension of a motor vehicle registration; or
  - (c) a disqualification from holding or obtaining a driver licence;in relation to the person under another part or any other territory law.

**87 Revocation of suspension on transfer of registration**

The road transport authority must revoke the suspension under this part of a motor vehicle registration if the registration is transferred under the *Road Transport (Vehicle Registration) Act 1999* and the fine defaulter is no longer the registered operator (or a registered operator) of the vehicle.

**88 Renewal etc of driver licence or registration prohibited**

- (1) If a person's driver licence is suspended under this part, the road transport authority may renew the licence, or issue another driver licence to the person, only if the road transport authority has been given a revocation notice for the person.
- (2) If a motor vehicle registration in a person's name is suspended under this part, the road transport authority may renew the registration of the vehicle in the person's name only if the road transport authority has been given a revocation notice for the person.

- (3) If a person is disqualified from obtaining a driver licence under this part, the road transport authority may issue a driver licence to the person, or register a motor vehicle in the person's name, only if the road transport authority has been given a revocation notice for the person.
- (4) A person who is not entitled to the renewal or issue of a driver licence because of subsection (1) or (3) is not entitled to apply for, or be issued with, a restricted licence.

## **89 Suspension to be concurrent**

- (1) The period for which a person's driver licence is suspended under this part is concurrent with any uncompleted period of a driver licence suspension applying to the person under another part or any other territory law, subject to any order by a court in relation to the lastmentioned suspension.
- (2) The period for which a motor vehicle registration is suspended under this part is concurrent with any uncompleted period for which the motor vehicle registration is suspended under another part or any other territory law, subject to any order by a court in relation to the lastmentioned suspension.
- (3) The period for which a person is disqualified from obtaining a driver licence under this part is concurrent with any uncompleted period for which the person is so disqualified under another part or any other territory law, subject to any order by a court in relation to the lastmentioned disqualification.

## Part 7 Notification and review of decisions

### 90 Definitions—pt 7

In this part:

**CTP arbitrator** means an arbitrator under the *Road Transport (Third-Party Insurance) Act 2008*, section 45.

**decision-maker** means—

- (a) the Minister; or
- (b) the road transport authority; or
- (c) the chief police officer; or
- (d) the CTP regulator; or
- (e) a CTP arbitrator.

*Note* **CTP regulator**—see the *Road Transport (Third-Party Insurance) Act 2008*, s 273 (see this Act, s 8).

**internally reviewable decision** means a decision prescribed by regulation, other than a decision made personally by—

- (a) the Minister; or
- (b) the chief police officer; or
- (c) the CTP regulator; or
- (d) a CTP arbitrator.

**internal reviewer**—see section 92A.

**internal review notice**—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

**reviewable decision**—see section 90A.

**90A Meaning of *reviewable decision* etc—pt 7**

- (1) For this part, a *reviewable decision* is—
  - (a) an internal reviewer's decision in relation to an internally reviewable decision; or
  - (b) a decision-maker's decision (other than an internally reviewable decision) prescribed by regulation.
- (2) For the *ACT Civil and Administrative Tribunal Act 2008*, section 9 (Applications under authorising laws), the road transport legislation is taken to be a single authorising law.

**91 Internal review notices**

If a decision-maker makes an internally reviewable decision, the decision-maker must give an internal review notice to each person affected by the decision.

*Note 1* The decision-maker must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

*Note 2* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**91A Applications for internal review**

- (1) A person whose interests are affected by an internally reviewable decision may apply to the decision-maker for review of the decision.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the applicant's name and address; and
  - (c) set out the applicant's reasons for making the application.

*Note* If a form is approved under s 225 for the application, the form must be used.

- (3) The application must be given to the decision-maker within—
- (a) 28 days after the day the applicant is given the internal review notice for the decision; or
  - (b) any longer period allowed by the decision-maker before or after the end of the 28-day period.

*Note* Section 95 provides for ACAT review of reviewable decisions that are not internally reviewable decisions.

## **92 Applications not stay internally reviewable decisions**

The making of an application for review of an internally reviewable decision does not affect the operation of the decision.

### **92A Internal reviewer**

The decision-maker must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

## **93 Review by internal reviewer**

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the decision-maker receives the application for review of the internally reviewable decision.
- (3) The internal reviewer must—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute the reviewer's own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.



**94 Reviewable decision notices**

If an internal reviewer or decision-maker makes a reviewable decision, the reviewer or decision-maker must give a reviewable decision notice to each person affected by the decision.

*Note 1* The internal reviewer or decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**95 Applications for review**

The following may apply to the ACAT for review of a reviewable decision:

- (a) for an internal reviewer's decision in relation to an internally reviewable decision—a person to whom an internal review notice is required to be given in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## Part 8 Fees, charges and other amounts payable under road transport legislation

### 96 Determination of fees, charges and other amounts

- (1) The Minister may, in writing, determine fees, charges and other amounts payable under the road transport legislation.

*Note* The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3)

- (2) Without limiting subsection (1), a fee, charge or other amount may be determined in relation to—

- (a) a service or facility provided under the road transport legislation; or
- (b) any other service or facility provided for road users or particular road users, including, for example, a service or facility for, or to improve, road safety or transport efficiency; or
- (c) the grant, issue, revocation, renewal or variation of, or the doing of anything else in relation to, an approval, authority, certificate, exemption, licence, permission, permit or registration or anything else under the road transport legislation.

- (3) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (4) A reference in this part to a *fee, charge or other amount* includes a reference to a fee, charge or other amount that is a tax.

(5) In this section:

*Minister* means the Minister for the time being administering the provision of the road transport legislation for which the fee, charge or other amount is determined.

## Part 11            Miscellaneous

### Division 11.1    Documents

#### 225            Approved forms

- (1) The road transport authority may, in writing, approve forms for the road transport legislation.
- (2) If the road transport authority approves a form for a particular purpose, the approved form must be used for that purpose.

*Note*        For other provisions about forms, see the Legislation Act, s 255

- (3) An approved form is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the Legislation Act.

#### 229            Regulations may apply certain documents etc

- (1) A regulation may apply a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council or any other instrument as in force from time to time.

*Note 1*     The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).

*Note 2*     A notifiable instrument must be notified under the Legislation Act.

- (2) For a regulation, a regulation may define a term defined by this Act (or apply the definition of a term in an instrument mentioned in subsection (1))—
  - (a) in the same (or in substantially the same) way as it is defined by this Act; or

- (b) by reference to a matter included in the term as defined by this Act; or
  - (c) by reference to a combination of matters included in the term as defined by this Act and in any other term defined by this Act; or
  - (d) for applying a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council—in the same way as it is defined in the publication despite anything in this Act or other road transport legislation.
- (3) In this section:

*publication of the National Transport Commission* includes—

- (a) a document published by or for the National Road Transport Commission under the *National Road Transport Commission Act 1991* (Cwlth); and
- (b) a document published for the National Transport Commission.

*Note* The Commonwealth Act mentioned in par (a) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth).

## **Division 11.2      Other matters**

### **230      Indemnity from personal liability for honest and good faith carrying out of duties**

- (1) An individual is not civilly liable for an act or omission done honestly and in good faith in the exercise of a function under the road transport legislation.
- (2) A liability that would, apart from subsection (1), attach to an individual attaches instead to the Territory.
- (3) An individual is not civilly or criminally liable for carrying out a test or examination under the *Road Transport (Driver Licensing) Act 1999* and expressing to the road transport authority, in good

faith, an opinion formed because of having carried out the test or examination.

- (4) An individual is not civilly or criminally liable for reporting to the road transport authority, in good faith, information that discloses or suggests that—
- (a) someone else is or may be unfit to drive; or
  - (b) it may be dangerous to allow someone else to hold, to be issued or to have renewed, a driver licence or a variation of a driver licence.

**231            Person not to hinder or obstruct**

A person must not, without reasonable excuse, hinder or obstruct a police officer, an authorised person or anyone else in the exercise of a function under the road transport legislation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**232            False or misleading statements**

A person must not, for or in relation to the road transport legislation—

- (a) state anything to the road transport authority, a police officer or an authorised person that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to the road transport authority, a police officer or an authorised person anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty: 20 penalty units.

### **233 General regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (2) The Executive may also make regulations under this Act, not inconsistent with another road transport Act, prescribing matters—

- (a) required or permitted by the other road transport Act to be prescribed (whether or not the other road transport Act expressly provides for the matters to be prescribed under this Act or that Act); or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to the other road transport Act.

- (3) A regulation may also prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 20 penalty units for offences against a regulation.

- (4) In this section:

***another road transport Act*** means an Act (other than this Act) mentioned in section 6 (What is the road transport legislation?).

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

### **234 Regulations may exclude vehicles, people and animals from Act**

- (1) A regulation may—
- (a) exempt a vehicle, person or animal prescribed under the regulation from this Act (or a stated provision of this Act); or
- (b) authorise the road transport authority to exempt a vehicle, person or animal prescribed under the regulation from this Act (or a stated provision of this Act).

- (2) An exemption granted under a regulation mentioned in subsection (1) may be subject to conditions.
- (3) A regulation may provide for the road transport authority to—
  - (a) suspend the operation of any regulation mentioned in subsection (1) (a) in the way and circumstances prescribed by regulation; or
  - (b) suspend the operation of an exemption given by the authority to a vehicle, person or animal in the way and circumstances prescribed by regulation.

**235        References to Motor Traffic Act, Traffic Act etc**

- (1) In any Act, instrument made under an Act or document, a reference to an earlier law is, in relation to anything to which this Act applies, a reference to this Act.
- (2) In this section:

*earlier law* means any of the following:

  - (a) *Motor Traffic Act 1936*;
  - (b) *Motor Traffic Regulations 1934*;
  - (c) *Motor Vehicle (Third Party Insurance) Regulations 1947*;
  - (d) *Traffic Act 1937*.



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## Dictionary

(see s 4)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- ACT
- chief police officer
- Commonwealth
- entity
- exercise
- function
- home address
- instrument
- internal territory
- public employee
- reviewable decision notice
- State
- statutory declaration
- the Territory.

*Note 3* If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see s 8).

***administering authority***, for an infringement notice offence, means the entity that, under the regulations, is the administering authority for the offence.

***another jurisdiction*** means a jurisdiction other than the ACT.

***approved camera detection device***—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.

**Australian Design Rule**—see the *Road Transport (Vehicle Registration) Regulation 2000*, schedule 1, section 1.11 and section 1.13.

**Australian driver licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**Australian Road Rules**—see the *Road Transport (Safety and Traffic Management) Regulation 2000*, section 5.

*Note* The Australian Road Rules are applied in the ACT under the *Road Transport (Safety and Traffic Management) Regulation 2000*. They are to be read with, and as if they formed part of, that regulation (see s 6 (1)).

**Australian Transport Council**—see the *National Transport Commission Act 2003* (Cwlth), section 4.

**authorised person** means—

- (a) for part 3 (Infringement notices for certain offences)—see section 53A (3); and
- (b) in any other case—
  - (i) a person who is appointed as an authorised person under section 19 for the provision; or
  - (ii) a person who, under the regulations, is an authorised person for the provision.

**automatic disqualification provision**, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

**bicycle**—see the Australian Road Rules, dictionary.

**camera-detected offence** means an offence detected by an approved camera detection device.

**combination** means a group consisting of a motor vehicle connected to 1 or more other vehicles.

**conditional licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**credit card** includes a debit card.

**CTP arbitrator**, for part 7 (Notification and review of decisions)—see section 90.

**date of service**, of an infringement notice or reminder notice that has been, or is to be, served on a person, means the date the notice is served on the person.

**decision-maker**, for part 7 (Notification and review of decisions)—see section 90.

**drive**, a vehicle, includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

**driver**, of a vehicle, means the person driving the vehicle.

**driver licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**driver licence receipt**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**driver trainer**, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

**executive officer**, of a corporation, means a person, however described and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

**external driver licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

*Note* An external driver licence is a foreign driver licence or an external territory driver licence.

***illegal user declaration*** means a statutory declaration mentioned in section 38.

***immediate suspension notice*** (or ***suspension notice***), for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

***immediate suspension offence*** (or ***suspension offence***), for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

***infringement notice*** means a notice under section 24 (Service of infringement notices generally) or section 36 (Service of infringement notices on responsible people for vehicles).

***infringement notice declaration*** means an illegal user declaration, known user declaration, sold vehicle declaration or unknown user declaration.

***infringement notice offence*** means an offence prescribed by regulation as an infringement notice offence.

***infringement notice penalty***, for a person for an infringement notice offence, means—

- (a) the amount prescribed by regulation as the penalty payable by the person for the offence under an infringement notice for the offence; or
- (b) if a reminder notice has also been served on the person for the offence—the total of the amount mentioned in paragraph (a) and the amount prescribed by regulation as the amount payable by the person for the cost of serving the reminder notice.

***internally reviewable decision***, for part 7 (Notification and review of decisions)—see section 90.

***internal reviewer***, for part 7 (Notification and review of decisions)—see section 92A.

**internal review notice** for part 7 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

**jurisdiction** means a State, the Commonwealth or an internal territory, including the ACT.

**known user declaration** means a statutory declaration mentioned in section 39.

**learner licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**motor vehicle** means a vehicle built to be propelled by a motor that forms part of the vehicle.

**National Transport Commission**—see the *National Transport Commission Act 2003* (Cwlth), section 5.

**offence of culpable driving**, for a person, means—

- (a) an offence against the *Crimes Act 1900*, section 29 (Culpable driving); or
- (b) any other offence against the *Crimes Act 1900* if a necessary fact to constitute the offence is that someone dies or is injured because of, or as a result of, the way a person drove a motor vehicle.

**probationary licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**provisional licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**registered**, for a vehicle, means registered under the *Road Transport (Vehicle Registration) Act 1999*.

**registered operator**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**registrable vehicle**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**reminder notice**, for part 3 (Infringement notices for certain offences), means a notice under section 33.

**responsible person**, for a vehicle—see section 10 and section 11.

**restricted licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**reviewable decision**, for part 7 (Notification and review of decisions)—see section 90A (1).

**revocation notice**, for part 6 (Fine defaulters)—see section 84A.

**ride**, for the rider of a motorbike or an animal-drawn vehicle, includes be in control of the vehicle.

**rider**, of a vehicle that can be ridden, means the person who is riding the vehicle.

**road** means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) declares that this Act does not apply to the area.

**road related area** means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or

(f) any other area that is open to or used by the public so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as a declaration under that section declares that this Act does not apply to the area.

**road transport authority** (or **authority**)—see section 16.

**road transport legislation**—see section 6.

**sold vehicle declaration** means a statutory declaration mentioned in section 40.

**special driver**, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

**suspension notice**—see **immediate suspension notice**.

**suspension offence**—see **immediate suspension offence**.

**taxi**—see the *Road Transport (Public Passenger Services) Act 2001*, section 45.

**total loss**, in relation to a vehicle for division 5.3 (Written-off vehicles register)—see section 83C.

**trader's plate**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**traffic** includes vehicle and pedestrian traffic.

**trailer** means a vehicle being towed, or built to be towed, by a motor vehicle, but does not include a motor vehicle being towed.

**unknown user declaration** means a statutory declaration mentioned in section 41.

**use** a vehicle includes drive, park or stop the vehicle on a road or road related area.

**vehicle** means—

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed by regulation;

and includes anything else that, under the regulations, is to be treated as a vehicle.

**vehicle identifier**, for division 5.3 (Written-off vehicles register)—see section 83B.

**written-off vehicle**, for division 5.3 (Written-off vehicles register)—see section 83B.

**written-off vehicles register**, for division 5.3 (Written-off vehicles register)—see section 83B.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Road Transport (General) Act 1999 No 77**

notified 23 December 1999 (Gaz 1999 No S65)  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
remainder commenced 1 March 2000 (Gaz 2000 No S5)

as modified by

#### **Road Transport (Offences) Regulation 2000 No 11 pt 5 (as am by SL 2000 Nos 22, 57)**

notified 29 February 2000 (Gaz 2000 No S6)  
s 1, s 2 commenced 29 February 2000 (IA s 10B)  
pt 5 commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

as amended by

#### **Road Transport Legislation Amendment Act 2000 No 4 pt 2**

notified 1 March 2000 (Gaz 2000 No S8)  
commenced 1 March 2000 (s 2)

#### **Road Transport Legislation Amendment Regulations 2000 No 22 pt 2**

notified 18 May 2000  
commenced 18 May 2000 (reg 2)

*Note* This regulation only amends the Road Transport (Offences) Regulation 2000 No 11.

#### **Road Transport (Offences) Regulation 2000 No 57 s 6**

notified 21 December 2000 (Gaz 2000 No S69)  
s 1, s 2 commenced 21 December 2000 (IA s 10B)  
s 6 commenced 28 December 2000 (s 2)

*Note* This regulation only amends the Road Transport (Offences) Regulation 2000 No 11.

#### **Road Transport Legislation Amendment Act 2001 No 27 sch 3**

notified 24 May 2001 (Gaz 2001 No 21)  
s 1, s 2 commenced 24 May 2001 (IA s 10B)  
sch 3 commenced 24 May 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 340**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 340 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.5**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
pt 1.5 commenced 1 December 2001 (s 2 and CN2001-2)

**Road Transport (Public Passenger Services) Amendment Act 2001 No 94 sch 1**

notified LR 27 September 2001  
s 1, s 2 commenced 27 September 2001 (LA s 75 (1))  
sch 1 commences 1 March 2002 (s 2 and CN –2002-2)

**Road Transport Legislation Amendment Act 2002 No 23 pt 3**

notified LR 9 September 2002  
s 1, s 2 commenced 9 September 2002 (LA s 75 (1))  
ss 10-12 commenced 10 September 2002 (s 2 (1))  
s 13, s 14 commenced 28 January 2003 (s 2 (3) and CN2002-16)

**Statute Law Amendment Act 2002 No 30 pt 3.68**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.68 commenced 17 September 2002 (s 2 (1))

**Civil Law (Wrongs) Act 2002 No 40 div 3.2.11**

notified LR 10 October 2002  
s 1, s 2 commenced 10 October 2002 (LA s 75 (1))  
div 3.2.11 commenced 1 November 2002 (s 2 (2) and CN2002-13)

**Statute Law Amendment Act 2002 (No 2) No 49 pt 3.22**

notified LR 20 December 2002  
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))  
pt 3.22 commenced 17 January 2003 (s 2 (1))

**Criminal Code 2002 No 51 pt 1.18**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
pt 1.18 commenced 1 January 2003 (s 2 (1))

## Endnotes

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**Civil Law (Wrongs) Amendment Act 2003 A2003-6 pt 3**

notified LR 27 March 2003

s 1, s 2 commenced 27 March 2003 (LA s 75 (1))

pt 3 commenced 28 March 2003 (s 2)

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 2 pt 2.81**

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.81 commenced 9 April 2004 (s 2 (1))

**Road Transport (General) Amendment Act 2004 A2004-24**

notified LR 19 May 2004

s 1, s 2 commenced 19 May 2004 (LA s 75 (1))

remainder commenced 20 May 2004 (s 2)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60  
sch 1 pt 1.67**

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.67 commenced 10 January 2005 (s 2 and see Court  
Procedures Act 2004 A2004-59, s 2 and CN2004-29)

**Road Transport (Public Passenger Services) (Hire Cars) Amendment  
Act 2004 A2004-69 pt 5**

notified LR 9 September 2004

s 1, s 2 commenced 9 September 2004 (LA s 75 (1))

pt 5 commenced 9 March 2005 (s 2 and LA s 79)

**Road Transport (General) Amendment Act 2004 A2004-73**

notified LR 15 December 2004

s 1, s 2 commenced 15 December 2004 (LA s 75 (1))

remainder commenced 16 December 2004 (s 2)

**Statute Law Amendment Act 2005 A2005-20 sch 1 pt 1.4, sch 3 pt 3.56**

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 1 pt 1.4, sch 3 pt 3.56 commenced 2 June 2005 (s 2 (1))

**Road Transport (Third-Party Insurance) Act 2008 A2008-1 sch 1 pt 1.6  
(as am by A2008-39 s 4)**

notified LR 26 February 2008  
s 1, s 2 commenced 26 February 2008 (LA s 75 (1))  
sch 1 pt 1.6 commenced 1 October 2008 (s 2 as am by A2008-39 s 4)

**ACT Civil and Administrative Tribunal Legislation Amendment  
Act 2008 (No 2) A2008-37 sch 1 pt 1.91**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.91 commenced 2 February 2009 (s 2 (1) and see ACT Civil  
and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**Road Transport (Third-Party Insurance) Amendment Act 2008  
A2008-39**

notified LR 22 August 2008  
s 1, s 2 commenced 22 August 2008 (LA s 75 (1))  
remainder commenced 23 August 2008 (s 2)

*Note* This Act only amends the Road Transport (Third-Party  
Insurance) Act 2008 A2008-1.

**Road Transport (Mass, Dimensions and Loading) Act 2009 A2009-22  
sch 1 pt 1.5**

notified LR 3 September 2009  
s 1, s 2 commenced 3 September 2009 (LA s 75 (1))  
sch 1 pt 1.5 commenced 3 March 2010 (s 2 and LA s 79)

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.62**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.62 commenced 17 December 2009 (s 2)

**Statute Law Amendment Act 2010 A2010-18 sch 3 pt 3.14**

notified LR 13 May 2010  
s 1, s 2 commenced 13 May 2010 (LA s 75 (1))  
sch 3 pt 3.14 commenced 3 June 2010 (s 2)

**Crimes (Sentence Administration) Amendment Act 2010 A2010-21  
sch 1 pt 1.8**

notified LR 30 June 2010  
s 1, s 2 commenced 30 June 2010 (LA s 75 (1))  
sch 1 pt 1.8 commenced 1 July 2010 (s 2)

## Endnotes

### 4 Amendment history

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#### **Road Transport (General) Amendment Act 2010 A2010-39 pt 2**

notified LR 5 October 2010

s 1, s 2 commenced 5 October 2010 (LA s 75 (1))

ss 3-5 commenced 1 December 2010 (s 2 and CN2010-16)

pt 2 remainder commenced 5 April 2011 (s 2 and LA s 79)

#### **Road Transport (Alcohol and Drugs) Legislation Amendment Act 2010 A2010-47 pt 5**

notified LR 25 November 2010

s 1, s 2 commenced 25 November 2010 (LA s 75 (1))

pt 5 commenced 1 December 2010 (s 2 (2) and see Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Act 2010 A2010-27, s 2 and CN2010-15)

#### **Road Transport Legislation Amendment Act 2011 A2011-14 pt 3**

notified LR 11 May 2011

s 1, s 2 commenced 1 May 2011 (LA s 75 (1))

pt 3 awaiting commencement (s 2)

*Note* default commencement under LA s 79: 11 November 2011

#### **Road Transport (Alcohol and Drugs) Legislation Amendment Act 2011 A2011-15 pt 5**

notified LR 12 May 2011

s 1, s 2 commenced 12 May 2011 (LA s 75 (1))

pt 5 commenced 13 May 2011 (s 2)

## 4 Amendment history

### **Preliminary**

pt 1 hdg note am 2001 No 44 amdt 1.3733; 2001 No 62 amdt 1.10  
om A2005-20 amdt 3.358

### **Name of Act**

s 1 am A2005-20 amdt 3.359; A2008-1 amdt 1.15; A2009-22  
amdt 1.8

### **Commencement**

s 2 om 2001 No 27 amdt 3.34

### **Objects of Act**

s 3 am A2005-20 amdt 3.360

### **Dictionary**

s 4 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Notes**

s 5 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 5 am 2001 No 44 amdt 1.3734; 2002 No 30 amdt 3.717  
 (2), (3) exp 17 September 2002 (s 5 (3))

**Offences against this Act—application of Criminal Code etc**

s 5A ins A2010-47 s 129

**What is the road transport legislation?**

s 6 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 6 am 2001 No 44 amdt 1.3735, amdt 1.3736 2001 No 62  
 amdt 1.11; R4 LA (see 2001 No 62 amdt 1.12); A2008-1  
 amdt 1.16; pars renum R21 LA  
 sub A2009-22 amdt 1.9

**References to Acts and regulations included in road transport legislation**

s 7 om 2001 No 44 amdt 1.3737

**Application of definitions in other road transport legislation**

s 8 hdg bracketed note exp 17 September 2002 (s 5 (3))

**General relationship with other laws**

s 9 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 9 am 2001 No 27 amdt 3.35; 2001 No 44 amdt 1.3738  
 (2)-(4) exp 1 March 2002 (s 9 (4))

**Who is a responsible person for a vehicle**

s 10 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 10 pars renum R7 LA  
 am A2005-20 amdts 3.361-3.363; A2009-22 amdt 1.10

**Rights, liabilities and obligations of multiple responsible persons**

s 11 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 11 am 2002 No 49 amdt 3.226

**Power to include or exclude areas in road transport legislation**

s 12 am 2001 No 44 amdt 1.3739

**Power to exclude vehicles, persons or animals from road transport legislation**

s 13 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 13 am 2001 No 44 amdt 1.3740

**Application orders and emergency orders**

s 14 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 14 am 2001 No 44 amdt 1.3741

**Database of declarations and orders made under div 2.4**

s 15 om 2001 No 44 amdt 1.3742

**Road transport authority**

s 16 am 2002 No 30 amdt 3.718

## Endnotes

### 4 Amendment history

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#### **Delegation of road transport authority's functions**

s 17 sub 2002 No 30 amdt 3.719

#### **Delegation of chief police officer's functions**

s 18 sub 2002 No 30 amdt 3.719

#### **Authorised people**

s 19 hdg sub A2010-18 amdt 3.31

s 19 am 2001 No 27 amdt 3.36, amdt 3.37; 2002 No 23 s 11; 2002 No 30 amdt 3.720, amdt 3.721

#### **Identity cards**

s 20 am 2002 No 23 s 12; A2009-22 amdt 1.11, amdt 1.12

#### **Power not to be exercised before identity card shown**

s 21 am A2009-22 amdt 1.13

#### **Purpose and effect of pt 3**

s 22 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Regulations about infringement notice offences**

s 23 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 23 am 2002 No 30 amdt 3.722

#### **Service of infringement notices generally**

s 24 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 24 am 2002 No 30 amdt 3.723; A2005-20 amdt 1.19; ss renum R20 LA (see A2005-20 amdt 1.20)

#### **Contents of infringement notices**

s 25 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Additional information in infringement notices**

s 26 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 26 am 2002 No 30 amdt 3.724

#### **Time for payment of infringement notice penalty**

s 27 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 27 am 2002 No 30 amdt 3.725

#### **Extension of time to pay penalty**

s 28 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 28 am 2002 No 30 amdt 3.725

#### **Effect of payment of infringement notice penalty**

s 29 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Application for withdrawal of infringement notice**

s 30 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Withdrawal of infringement notice**

s 31 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 31 am 2002 No 30 amdt 3.726



**Guidelines about withdrawal of infringement notices**

s 32 am 2001 No 44 amdt 1.3743; 2002 No 30 amdt 3.727

**Reminder notices**

s 33 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Contents of reminder notices**

s 34 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Additional information in reminder notices**

s 35 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Service of infringement notices on responsible people for vehicles**

s 36 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 36 am 2002 No 30 amdt 3.728; A2005-20 amdt 1.21; ss renum R20 LA (see A2005-20 amdt 1.22)

**Liability for infringement notice offences involving vehicles**

s 37 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Illegal user declarations**

s 38 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Known user declarations**

s 39 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Sold vehicle declarations**

s 40 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Unknown user declarations**

s 41 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Obligation to provide declarations for camera-detected offences**

s 42 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Offence for falsely naming a person as the driver**

s 43 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 43 om A2004-15 amdt 2.171

**Suspension for nonpayment of infringement notice penalties**

s 44 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 44 am A2010-39 s 4, s 5; ss renum R27 LA; A2011-14 s 10

**Effect of suspension**

s 45 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Transfer of registration while suspended**

s 46 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Revocation of suspension**

s 47 hdg bracketed note exp 17 September 2002 (s 5 (3))

## Endnotes

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### **Revocation of suspension on court order**

s 48 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 48 am A2004-24 ss 4-6; ss renum R15 LA (see A2004-24 s 7)

### **Effect of revocation of suspension on court order**

s 49 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Failure to revoke suspension on court order**

s 50 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 50 am A2004-60 amdt 1.629

### **Disputing liability for infringement notice offence**

s 51 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 51 am 2002 No 30 amdt 3.729, amdt 3.730

### **Extension of time to dispute liability**

s 52 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Procedure if liability disputed**

s 53 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 53 am A2005-20 amdt 1.23

### **Authorised people for infringement notice offences**

s 53A hdg sub A2010-18 amdt 3.32  
s 53A ins 2002 No 30 amdt 3.731

### **Delegation of administering authority's functions**

s 54 sub 2002 No 30 amdt 3.731

### **Declarations by corporations**

s 55 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Evidentiary certificates**

s 56 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 56 am 2002 No 30 amdt 3.732

### **Costs of application for declaration**

s 57 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider**

s 58 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 58 am A2009-22 amdt 1.14  
sub A2010-47 s 130

### **Police officer or authorised person may require name, date of birth, address and driver licence—supervisor, instructor or assessor**

s 58A ins A2009-22 amdt 1.15  
am A2010-18 amdt 3.33  
sub A2010-47 s 130

**Seizure of licences**

s 59 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 59 am 2001 No 44 amdt 1.3744; A2011-14 ss 11-15

**Police officer or authorised person may require people to disclose identity of driver**

s 60 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Production of driver licence to court**

s 61 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 61 am 2002 No 30 amdt 3.733

**Licence suspension, disqualification and related matters**

div 4.2 hdg sub A2010-47 s 131

**Definitions—div 4.2**

s 61A ins A2010-47 s 131  
def **automatic disqualification provision** ins A2010-47 s 131  
def **driver training** ins A2011-15 s 82  
def **immediate suspension notice** ins A2010-47 s 131  
def **immediate suspension offence** ins A2010-47 s 131  
am A2011-15 s 83  
def **interstate driver licence** ins A2010-47 s 131  
def **special driver** ins A2010-47 s 131  
def **suspension notice** ins A2010-47 s 131  
def **suspension offence** ins A2010-47 s 131

**Immediate suspension of licence**

s 61B ins A2010-47 s 131  
am A2011-14 s 16, s 17

**Drive while suspension notice in effect**

s 61C ins A2010-47 s 131

**Failure to surrender suspended licence**

s 61D ins A2010-47 s 131

**Surrendered licences**

s 61E ins A2010-47 s 131

**Application for stay of suspension notice**

s 61F ins A2010-47 s 131

**Deciding application**

s 61G ins A2010-47 s 131

**Automatic disqualification for culpable driving**

s 62 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 62 am 2001 No 27 amdt 3.38-3.40

## Endnotes

4 Amendment history

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### **Automatic disqualification for certain other driving offences**

s 63 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 63 am 2000 No 4 s 4; 2001 No 27 amdts 3.41-3.44

### **Court may order disqualification for other offences**

s 64 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 64 am A2009-22 amdt 1.16  
sub A2010-47 s 132

### **Disqualification until court order**

s 65 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Effect of disqualification**

s 66 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 66 am A2010-47 s 133

### **Person disqualified in another jurisdiction not eligible for restricted licence**

s 66A ins A2010-47 s 133

### **Disqualified repeat offender not eligible for restricted licence—automatic disqualification provisions**

s 67 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 67 am 2001 No 27 amdt 3.45; 2002 No 30 amdt 3.734  
sub A2010-47 s 134

### **Eligibility of disqualified first offender for restricted licence—automatic disqualification provisions**

s 67A ins A2010-47 s 134

### **Person disqualified until court order not eligible for restricted licence**

s 67B ins A2010-47 s 134

### **Disqualification while holder of restricted licence**

s 67C ins A2010-47 s 134

### **When licence disqualification takes effect**

s 68 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Multiple disqualifications cumulative unless court orders otherwise**

s 69 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 69 am 2001 No 27 amdt 3.46

### **Additional powers of court**

s 70 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Effect on disqualification of quashing of conviction etc**

s 71 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Certificate evidence and other evidentiary provisions**

s 72 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 72 am A2008-1 amdts 1.17-1.19

**Proceedings for offences**

s 74 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Short descriptions of offences**

s 75 am A2004-60 amdt 1.630

**Speed inhibitor conditions**

s 76 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Compensation for loss of time etc**

s 77 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Courts to provide particulars of convictions, orders etc**

s 79 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Power of entry for tracing stolen motor vehicles or trailers or their parts**

s 80 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Use of tyre deflation devices**

s 81 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Motor vehicles or trailers not to be used without owner's consent**

s 82 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Procuring use or hire of motor vehicle or trailer by fraud etc**

s 83 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Written-off vehicles register**

div 5.3 hdg ins 2002 No 23 s 13

**Purposes of div 5.3**

s 83A ins 2002 No 23 s 13

**Definitions for div 5.3**

s 83B ins 2002 No 23 s 13

**When a vehicle is a *total loss***

s 83C ins 2002 No 23 s 13

**Written-off vehicles register**

s 83D ins 2002 No 23 s 13

**Security and disclosure of information in register**

s 83E ins 2002 No 23 s 13

**Regulations about written-off vehicles**

s 83F ins 2002 No 23 s 13

**Meaning of *revocation notice*—pt 6**

s 84A ins A2010-39 s 6

## Endnotes

4 Amendment history

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### **Suspension of driver licence, registration etc for default of court imposed fine**

s 84 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 84 am A2010-21 amdt 1.21  
sub A2010-39 s 7  
am A2011-14 s 18

### **Notification and duration of suspension of driver licence, registration etc**

s 85 hdg bracketed note exp 17 September 2002 (s 5 (3))  
sub A2010-39 s 8  
s 85 am A2010-39 s 9; ss renum R28 LA

### **Revocation of suspension of driver licence, registration etc**

s 86 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 86 am A2010-21 amdt 1.22, amdt 1.23; A2010-39 s 10; ss renum  
R28 LA

### **Revocation of suspension on transfer of registration**

s 87 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Renewal etc of driver licence or registration prohibited**

s 88 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Suspension to be concurrent**

s 89 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Notification and review of decisions**

pt 7 hdg sub A2008-37 amdt 1.430

### **Definitions—pt 7**

s 90 am A2008-1 amdt 1.20  
sub A2008-37 amdt 1.430  
def **CTP arbitrator** ins A2008-37 amdt 1.430  
def **decision-maker** ins A2008-37 amdt 1.430  
def **internally reviewable decision** ins A2008-37 amdt 1.430  
def **internal reviewer** ins A2008-37 amdt 1.430  
def **internal review notice** ins A2008-37 amdt 1.430  
def **reviewable decision** ins A2008-37 amdt 1.430

### **Meaning of reviewable decision etc—pt 7**

s 90A ins A2008-37 amdt 1.430

### **Internal review notices**

s 91 sub A2008-37 amdt 1.430

### **Applications for internal review**

s 91A ins A2008-37 amdt 1.430

### **Applications not stay internally reviewable decisions**

s 92 sub A2008-37 amdt 1.430

**Internal reviewer**

s 92A ins A2008-37 amdt 1.430

**Review by internal reviewer**

s 93 sub A2008-37 amdt 1.430

**Reviewable decision notices**

s 94 sub A2008-37 amdt 1.430

**Applications for review**

s 95 sub A2008-37 amdt 1.430

**Determination of fees, charges and other amounts**s 96 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 96 am 2001 No 44 amdts 1.3745-1.3747; 2002 No 49  
amdt 3.226; A2008-1 amdt 1.21**Fees, charges and other amounts payable to Territory in accordance with determinations etc**

s 97 om 2001 No 44 amdt 1.3748

**Recovery of unpaid fees, charges and other amounts**

s 98 om 2001 No 44 amdt 1.3748

**Regulations may make provision about fees, charges and other amounts**

s 99 om 2001 No 44 amdt 1.3748

**Public vehicles**

pt 9 hdg om A2004-69 s 31

**Definitions**

div 9.1 hdg om A2004-69 s 31

**Definitions for pt 9**s 100 hdg bracketed note exp 17 September 2002 (s 5 (3))  
om A2004-69 s 31  
s 100  
def **bus** om 2001 No 62 amdt 1.17  
def **bus operator's licence** om 2001 No 62 amdt 1.17  
def **bus service licence** om 2001 No 62 amdt 1.17  
def **defined right** om 2001 No 94 amdt 1.1  
def **private hire car** am 2001 No 62 amdt 1.13; 2001 No 94  
amdt 1.3  
om A2004-69 s 31  
def **private hire car operator's licence** om A2004-69 s 31  
def **public vehicle** am 2001 No 62 amdt 1.14  
sub 2001 No 94 amdt 1.2  
om A2004-69 s 31  
def **restricted hire vehicle** am 2001 No 62 amdt 1.15; 2001  
No 94 amdt 1.3  
om A2004-69 s 31

## Endnotes

### 4 Amendment history

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def **restricted hire vehicle operator's licence** om A2004-69  
s 31  
def **restricted taxi** om 2001 No 94 amdt 1.1  
def **restricted taxi operator's licence** om 2001 No 94  
amdt 1.1  
def **sightseeing vehicle operator's licence** om A2004-69  
s 31  
def **taxi** am 2001 No 62 amdt 1.16  
sub 2001 No 94 amdt 1.2  
om 2002 No 49 amdt 3.227  
def **taxi operator's licence** om 2001 No 94 amdt 1.1  
def **taxi zone** om 2001 No 94 amdt 1.1  
def **visiting bus** om 2001 No 62 amdt 1.17  
def **visiting bus operator's licence** om 2001 No 62  
amdt 1.17

#### **Taxis and restricted taxis**

div 9.2 hdg om 2001 No 94 amdt 1.4

#### **Use of motor vehicles as taxis**

s 101 om 2001 No 94 amdt 1.4

#### **Defined rights for taxi operator's licences**

s 102 am 2001 No 44 amdt 1.3749  
om 2001 No 94 amdt 1.4

#### **Duration of defined rights**

s 103 om 2001 No 94 amdt 1.4

#### **Transfer of defined rights**

s 104 om 2001 No 94 amdt 1.4

#### **Holder of defined right to be issued licence**

s 105 om 2001 No 94 amdt 1.4

#### **Taxi operator's licences**

s 106 am 2001 No 44 amdt 1.3750, amdt 1.3751  
om 2001 No 94 amdt 1.4

#### **Limitation on number of restricted taxi operator's licences**

s 107 sub 2001 No 44 amdt 1.3752  
om 2001 No 94 amdt 1.4

#### **Restricted taxi operator's licences**

s 108 om 2001 No 94 amdt 1.4

#### **Transfer of taxi operator's licence**

s 109 om 2001 No 94 amdt 1.4

#### **Variation of restricted taxi operator's licence initiated by licence holder**

s 110 om 2001 No 94 amdt 1.4



**Variation of restricted taxi operator's licence initiated by road transport authority**

s 111 om 2001 No 94 amdt 1.4

**Suspension or cancellation of licence**

s 112 om 2001 No 94 amdt 1.4

**Offence to carry more than licensed number of passengers**

s 113 om 2001 No 94 amdt 1.4

**Offence to not display information about maximum number of passengers**

s 114 om 2001 No 94 amdt 1.4

**Taxi fares**

s 115 am 2001 No 44 amdt 1.3753  
om 2001 No 94 amdt 1.4

**Offence to park taxis on road for longer than 30 minutes**

s 116 om 2001 No 94 amdt 1.4

**Offence to contravene condition of restricted taxi operator's licence**

s 117 om 2001 No 94 amdt 1.4

**Display of restricted taxi operator's licence**

s 118 om 2001 No 94 amdt 1.4

**Private hire cars**

div 9.3 hdg om A2004-69 s 31

**Use of motor vehicles as private hire cars**

s 119 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 119 om A2004-69 s 31

**Private hire car operator's licences**

s 120 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 120 am 2001 No 44 amdt 1.3754, amdt 1.3755; 2001 No 94  
amdt 1.5  
om A2004-69 s 31

**Transfer of private hire car operator's licence**

s 121 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 121 am 2001 No 94 amdt 1.5  
om A2004-69 s 31

**Suspension or cancellation of private hire car operator's licence**

s 122 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 122 om A2004-69 s 31

**Offence to carry more than licensed number of passengers in private hire car**

s 123 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 123 om A2004-69 s 31

## Endnotes

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### **Offence to park private hire cars on road for longer than 30 minutes**

s 124 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 124 om A2004-69 s 31

### **Restricted hire vehicles**

div 9.4 hdg om A2004-69 s 31

### **Use of motor vehicles as restricted hire vehicles**

s 125 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 125 om A2004-69 s 31

### **Restricted hire vehicle operator's licences**

s 126 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 126 om A2004-69 s 31

### **Offence to contravene condition of restricted hire vehicle operator's licence**

s 127 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 127 om A2004-69 s 31

### **Variation of restricted hire vehicle operator's licence initiated by licence holder**

s 128 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 128 am 2001 No 94 amdt 1.6  
om A2004-69 s 31

### **Variation of restricted hire vehicle operator's licences initiated by road transport authority**

s 129 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 129 am 2001 No 94 amdt 1.7  
om A2004-69 s 31

### **Restricted hire vehicles used as private hire cars**

s 130 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 130 om A2004-69 s 31

### **Display of restricted hire vehicle operator's licence**

s 131 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 131 om A2004-69 s 31

### **Suspension or cancellation of restricted hire vehicle operator's licence**

s 132 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 132 om A2004-69 s 31

### **Offence to carry more than licensed number of passengers in restricted hire vehicle**

s 133 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 133 om A2004-69 s 31

### **Offence to park restricted hire vehicles on road for longer than 30 minutes**

s 134 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 134 om A2004-69 s 31

**Sightseeing vehicles**

div 9.5 hdg om A2004-69 s 31

**Sightseeing vehicle operator's licences**

s 135 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 135 om A2004-69 s 31

**Sightseeing vehicle must only carry sightseers**

s 136 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 136 om A2004-69 s 31

**Buses**

div 9.6 hdg om 2001 No 62 amdt 1.18

**Use of motor vehicles as buses**

s 137 om 2001 No 62 amdt 1.18

**Bus operator's licences**

s 138 om 2001 No 62 amdt 1.18

**Transfer of bus operator's licence**

s 139 om 2001 No 62 amdt 1.18

**Offence to carry more than licensed number of passengers**

s 140 om 2001 No 62 amdt 1.18

**Offence not to display information about maximum number of passengers**

s 141 om 2001 No 62 amdt 1.18

**Bus Services**

div 9.7 hdg om 2001 No 62 amdt 1.18

**Bus service licences**

s 142 om 2001 No 62 amdt 1.18

**Variation of bus service licence initiated by licence holder**

s 143 om 2001 No 62 amdt 1.18

**Transfer of bus service licences**

s 144 om 2001 No 62 amdt 1.18

**Licence holder must tell road transport authority when stopping service etc**

s 145 om 2001 No 62 amdt 1.18

**Bus fares**

s 146 om 2001 No 62 amdt 1.18

**Bus fares must be displayed**

s 147 om 2001 No 62 amdt 1.18

**Offence to contravene condition of bus service licence**

s 148 om 2001 No 62 amdt 1.18

## Endnotes

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#### **Visiting buses**

div 9.8 hdg om 2001 No 62 amdt 1.18

#### **Visiting bus operator's licence**

s 149 om 2001 No 62 amdt 1.18

#### **Offence to carry more than licensed number of passengers**

s 150 om 2001 No 62 amdt 1.18

#### **Offence to contravene condition of visiting bus operator's licence**

s 151 om 2001 No 62 amdt 1.18

#### **Certain people to have use, control and management of vehicles**

div 9.9 hdg om A2004-69 s 31

#### **Certain people to have use, control and management of vehicles**

s 152 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 152 am 2001 No 94 amdt 1.8, amdt 1.9

om A2004-69 s 31

#### **Other matters**

div 9.10 hdg om A2004-69 s 31

#### **Fire extinguisher to be carried**

s 153 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 153 om A2004-69 s 31

#### **Dangerous or offensive articles**

s 154 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 154 om A2004-69 s 31

#### **Unauthorised use of motor vehicles**

s 155 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 155 am 2001 No 62 amdt 1.19, amdt 1.20; 2001 No 94 amdt 1.10

om A2004-69 s 31

#### **Refusal, cancellation or suspension of licences or registration etc**

s 156 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 156 am 2001 No 62 amdt 1.21; 2001 No 94 amdt 1.11, amdt 1.12

om A2004-69 s 31

#### **Regulations about public vehicles**

s 157 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 157 am 2002 No 49 amdt 3.228

om A2004-69 s 31

**Preliminary**

div 10.1 hdg om A2008-1 amdt 1.22

**Definitions for pt 10**

s 158 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 158 om A2008-1 amdt 1.22  
def **issue** am 2001 No 27 amdt 3.47  
om A2008-1 amdt 1.22  
def **public vehicle** am 2001 No 62 amdt 1.22; 2001 No 94  
amdt 1.13  
sub A2004-69 s 32  
om A2008-1 amdt 1.22  
def **public vehicle policy** sub 2001 No 27 amdt 3.48  
om A2008-1 amdt 1.22

**Meaning of owner for pt 10**

s 159 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 159 om A2008-1 amdt 1.22

**Application of pt 10 to motor vehicles with trader's plate**

s 160 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 160 om A2008-1 amdt 1.22

**Application of pt 10 to Territory and Commonwealth motor vehicles**

s 161 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 161 am 2001 No 27 amdt 3.49  
om A2008-1 amdt 1.22

**Compulsory insurance**

div 10.2 hdg om A2008-1 amdt 1.22

**Third-party insurance compulsory**

s 162 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 162 om A2008-1 amdt 1.22

**Third-party policies**

s 163 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 163 om A2008-1 amdt 1.22

**Taking out and duration of third-party insurance**

div 10.3 hdg om A2008-1 amdt 1.22

**Issue of certificates of third-party insurance**

s 164 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 164 om A2008-1 amdt 1.22

**Third-party insurance required for registration of motor vehicle**

s 165 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 165 om A2008-1 amdt 1.22

## Endnotes

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#### **Third-party insurance required for issue of trader's plate**

s 166 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 166 om A2008-1 amdt 1.22

#### **Beginning and duration of third-party policy**

s 167 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 167 am 2001 No 27 amdt 3.50  
om A2008-1 amdt 1.22

#### **Cancellation of third-party policies etc**

s 168 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 168 om A2008-1 amdt 1.22

#### **Indemnity under third-party policy**

div 10.4 hdg om A2008-1 amdt 1.22

#### **Indemnification of insured people**

s 169 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 169 om A2008-1 amdt 1.22

#### **Extension of indemnity provided**

s 170 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 170 am 2002 No 40 amdt 3.35  
om A2008-1 amdt 1.22

#### **Risks not insured under third-party policies**

s 171 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 171 am A2003-6 s 6; A2004-73 s 4, s 5  
note exp 31 December 2004 (s 236)  
om A2008-1 amdt 1.22

#### **Effect of nonpayment of correct premium**

s 172 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 172 om A2008-1 amdt 1.22

#### **Other matters relating to third-party policies**

div 10.5 hdg om A2008-1 amdt 1.22

#### **Effect of change of ownership of motor vehicle or trader's business**

s 173 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 173 om A2008-1 amdt 1.22

#### **Notice of change of registered particulars about motor vehicles etc**

s 174 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 174 om A2008-1 amdt 1.22

#### **Rights of authorised insurer against unauthorised drivers**

s 175 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 175 om A2008-1 amdt 1.22

**Trader's policy to apply to insured motor vehicles**

s 176 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 176 om A2008-1 amdt 1.22

**Obtaining third-party policy by false statements**

s 177 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 177 om A2008-1 amdt 1.22

**Proceedings by or against nominal defendant**

s 178 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 178 om A2008-1 amdt 1.22

**Nominal defendant scheme for uninsured and unidentified motor vehicles**

div 10.6 hdg om A2008-1 amdt 1.22

**Action against nominal defendant if vehicle uninsured**

s 179 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 179 om A2008-1 amdt 1.22

**Action against nominal defendant if vehicle not identified**

s 180 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 180 am A2003-6 s 6  
(1) note exp 31 December 2004 (s 236)  
om A2008-1 amdt 1.22

**Notice of claims against nominal defendant**

s 181 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 181 om A2008-1 amdt 1.22

**Nominal defendant not personally liable**

s 182 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 182 om A2008-1 amdt 1.22

**Payments of amounts for nominal defendant**

s 183 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 183 om A2008-1 amdt 1.22

**Recovery by nominal defendant from owner or driver**

s 184 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 184 om A2008-1 amdt 1.22

**Payment of recovered amounts by nominal defendant**

s 185 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 185 om A2008-1 amdt 1.22

**Costs of medical, surgical and hospital treatment**

div 10.7 hdg om A2008-1 amdt 1.22

## Endnotes

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### **Liability of authorised insurer and nominal defendant for costs of treatment**

s 186 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 186 om A2008-1 amdt 1.22

### **Apportionment of costs of treatment**

s 187 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 187 om A2008-1 amdt 1.22

### **Reduction of liability for treatment**

s 188 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 188 om A2008-1 amdt 1.22

### **Third-party claims**

div 10.8 hdg om A2008-1 amdt 1.22

### **Notice of accidents**

s 189 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 189 om A2008-1 amdt 1.22

### **Notice of claims against authorised insurer**

s 190 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 190 om A2008-1 amdt 1.22

### **Admission of liability by owner or driver etc**

s 191 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 191 om A2008-1 amdt 1.22

### **Owner and driver to notify authorised insurer of claims etc**

s 192 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 192 om A2008-1 amdt 1.22

### **Copy of originating process to be served on authorised insurer**

s 193 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 193 om A2008-1 amdt 1.22

### **Failure to allow examination by doctor**

s 194 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 194 om A2008-1 amdt 1.22

### **Power of authorised insurer to act for insured person**

s 195 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 195 om A2008-1 amdt 1.22

### **Presumption of agency**

s 196 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 196 am 2002 No 40 amdt 3.36, amdt 3.37  
om A2008-1 amdt 1.22



**Action against authorised insurer if insured dead or unable to be served**

s 197 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 197 om A2008-1 amdt 1.22

**Proof of inability to serve process etc**

s 198 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 198 om A2008-1 amdt 1.22

**Recovery by authorised insurer from owner or driver**

s 199 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 199 om A2008-1 amdt 1.22

**Entry of judgment against authorised insurer**

s 200 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 200 om A2008-1 amdt 1.22

**Effect of payment by authorised insurer**

s 201 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 201 om A2008-1 amdt 1.22

**Actions to be tried without jury**

s 202 om 2002 No 40 amdt 3.38

**Other matters relating to third-party claims**

div 10.9 hdg om A2008-1 amdt 1.22

**Court to apportion damages**

s 203 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 203 om A2008-1 amdt 1.22

**Conviction etc not to affect civil remedy**

s 204 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 204 om A2008-1 amdt 1.22

**Authorised insurers**

div 10.10 hdg om A2008-1 amdt 1.22

**Offence—unapproved insurer**

s 205 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 205 sub 2001 No 27 amdt 3.51  
om A2008-1 amdt 1.22

**Application for approval as authorised insurer**

s 206 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 206 om A2008-1 amdt 1.22

**Decision on application for approval**

s 207 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 207 om A2008-1 amdt 1.22

## Endnotes

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### **Duration of approval**

s 208 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 208 om A2008-1 amdt 1.22

### **Cancellation of approval**

s 209 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 209 om A2008-1 amdt 1.22

### **Surrender of approval**

s 210 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 210 om A2008-1 amdt 1.22

### **Effect of cancellation of approval on existing policies etc**

s 211 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 211 om A2008-1 amdt 1.22

### **Information to be supplied by authorised insurers**

s 212 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 212 am 2001 No 27 amdt 3.52  
om A2008-1 amdt 1.22

### **Guidelines about Minister's powers under div 10.10**

s 213 am 2001 No 44 amdt 1.3756, amdt 1.3757  
om A2008-1 amdt 1.22

### **Maximum rates of premiums that may be charged**

s 214 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 214 am A2005-20 amdt 3.364, amdt 3.365  
om A2008-1 amdt 1.22

### **Nominal defendant**

div 10.11 hdg om A2008-1 amdt 1.22

### **Appointment of nominal defendant**

s 215 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 215 am 2002 No 30 amdt 3.735  
om A2008-1 amdt 1.22

### **Annual report**

s 216 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 216 om A2008-1 amdt 1.22

### **Additional insurance for public vehicles**

div 10.12 hdg sub 2001 No 27 amdt 3.53  
om A2008-1 amdt 1.22

**Meaning of *accredited operator***

s 216A ins A2004-69 s 33  
om A2008-1 amdt 1.22

**Public vehicle insurance compulsory**

s 217 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 217 sub 2001 No 27 amdt 3.53  
am A2004-69 s 34  
om A2008-1 amdt 1.22

**Public vehicle policies**

s 218 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 218 sub 2001 No 27 amdt 3.53  
am A2004-69 s 35  
om A2008-1 amdt 1.22

**Issue of public vehicle insurance certificates and policies**

s 219 om 2001 No 27 amdt 3.53

**Public vehicle insurance required for registration of public vehicles**

s 220 om 2001 No 27 amdt 3.53

**Commencement and duration of public vehicle policy**

s 221 om 2001 No 27 amdt 3.53

**Miscellaneous**

div 10.13 hdg om A2008-1 amdt 1.22

**No contracting out of pt 10**

s 222 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 222 om A2008-1 amdt 1.22

**Certificate evidence**

s 223 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 223 am 2001 No 27 amdt 3.54, amdt 3.55  
om A2008-1 amdt 1.22

**Police officer or authorised person may require evidence of insurance**

s 224 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 224 om A2008-1 amdt 1.22

**Approved forms**

s 225 am 2001 No 44 amdt 1.3758, amdt 1.3759; 2002 No 30  
amdt 3.736

**Service of documents etc on people generally**

s 226 om 2002 No 30 amdt 3.737

**Serving documents etc on road transport authority**

s 227 om 2002 No 30 amdt 3.737

**False, misleading or incomplete documents**

s 228 om A2004-15 amdt 2.171

## Endnotes

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### **Regulations may apply certain documents etc**

s 229 sub 2002 No 30 amdt 3.738  
am 2002 No 51 amdt 1.36  
sub A2005-20 amdt 3.366

### **Indemnity from personal liability for honest and good faith carrying out of duties**

s 230 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Person not to hinder or obstruct**

s 231 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **General regulation-making power**

s 233 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 233 am 2001 No 44 amdt 1.3760, amdt 1.3761; 2002 No 30  
amdt 3.739

### **Regulations may exclude vehicles, people and animals from Act**

s 234 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **References to Motor Traffic Act, Traffic Act etc**

s 235 sub A2004-69 s 36

### **Transitional**

pt 12 hdg exp 1 June 2001 (s 296)

### **General**

div 12.1 hdg exp 1 June 2001 (s 296)

### **Expiry of certain notes**

s 236 orig s 236 exp 1 June 2001 (s 296)  
ins A2003-6 s 7  
exp 31 December 2004 (s 236)

### **Transitional regulations**

s 237 exp 1 June 2001 (s 296)

### **Modification of pt 12's operation**

s 238 exp 1 June 2001 (s 296)

### **Service of infringement notices for parking infringements and offences under former Acts**

s 238A ins as mod SL 2000 No 11 reg 22A (as ins by SL 2000 No 22  
reg 3)  
exp 1 June 2001 (SL 2000 No 11 reg 24 (2))

### **Infringement notices under Motor Traffic Act and Motor Vehicles (Dimensions and Mass) Act**

div 12.2 hdg exp 1 June 2001 (s 296)

**Existing infringement notices**

s 239 (3)-(6) ins as mod SL 2000 No 11 reg 22 (as renum SL 2000 No 57 reg 6)  
(3)-(6) exp 1 June 2001 (SL 2000 No 11 reg 24 (2))

**Existing reminder and final notices**

s 240 exp 1 June 2001 (s 296)

**Existing applications for withdrawal of infringement notices**

s 241 exp 1 June 2001 (s 296)

**Existing notices disputing liability under infringement notices**

s 242 exp 1 June 2001 (s 296)

**Suspension in force under Motor Traffic Act**

s 243 exp 1 June 2001 (s 296)

**Revocation of suspension on court order etc**

s 244 exp 1 June 2001 (s 296)

**Service of infringement notices etc**

s 244A ins as mod SL 2000 No 11 reg 22  
exp 1 June 2000 (SL 2000 No 11 reg 24 (1))

**Application to court for failure to revoke suspension on court order**

s 245 exp 1 June 2001 (s 296)

**Public vehicles**

div 12.3 hdg exp 1 June 2001 (s 296)

**Definitions**

subdiv 12.3.1 hdg exp 1 June 2001 (s 296)

**Declarations for definition of *motor omnibus***

s 246 exp 1 June 2001 (s 296)

**Taxis (including *restricted taxis*)**

subdiv 12.3.2 hdg exp 1 June 2001 (s 296)

**Determination of reserved price**

s 247 exp 1 June 2001 (s 296)

**Determination about maximum number of defined rights**

s 248 exp 1 June 2001 (s 296)

**Defined rights**

s 249 exp 1 June 2001 (s 296)

**Existing taxi licences**

s 250 exp 1 June 2001 (s 296)

**Determined fee for taxi licence**

s 251 exp 1 June 2001 (s 296)

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### **Non-transferable taxi licences**

s 252 exp 1 June 2001 (s 296)

### **Determination about maximum number of taxi licences**

s 253 exp 1 June 2001 (s 296)

### **Determination about maximum number of restricted taxi licences**

s 254 exp 1 June 2001 (s 296)

### **Existing restricted taxi licences**

s 255 exp 1 June 2001 (s 296)

### **Application to transfer taxi licence**

s 256 exp 1 June 2001 (s 296)

### **Application for variation of restricted taxi licence**

s 257 exp 1 June 2001 (s 296)

### **Variation of restricted taxi licence otherwise than on application**

s 258 exp 1 June 2001 (s 296)

### **Suspension of licences**

s 259 exp 1 June 2001 (s 296)

### **Determination about maximum taxi fares**

s 260 exp 1 June 2001 (s 296)

### **Private hire cars**

subdiv 12.3.3 hdg exp 1 June 2001 (s 296)

### **Existing private hire car licences**

s 261 exp 1 June 2001 (s 296)

### **Application to transfer private hire car licence**

s 262 exp 1 June 2001 (s 296)

### **Medical certificate concerning operator**

s 263 exp 1 June 2001 (s 296)

### **Suspension of private hire car licence**

s 264 exp 1 June 2001 (s 296)

### **Restricted hire vehicles**

subdiv 12.3.4 hdg exp 1 June 2001 (s 296)

### **Existing restricted hire vehicle licences**

s 265 exp 1 June 2001 (s 296)

### **Application for variation of restricted hire vehicle licence**

s 266 exp 1 June 2001 (s 296)

### **Variation of restricted hire vehicle licence otherwise than on application**

s 267 exp 1 June 2001 (s 296)

**Suspension of restricted hire vehicles licence**

s 268 exp 1 June 2001 (s 296)

**Sightseeing vehicles**

subdiv 12.3.5 hdg exp 1 June 2001 (s 296)

**Existing licences for sightseeing vehicles**

s 269 exp 1 June 2001 (s 296)

**Conditions determined by Minister**

s 270 exp 1 June 2001 (s 296)

**Buses**

subdiv 12.3.6 hdg exp 1 June 2001 (s 296)

**Existing motor omnibus licences**

s 271 exp 1 June 2001 (s 296)

**Application for transfer of motor omnibus licence**

s 272 exp 1 June 2001 (s 296)

**Bus services**

subdiv 12.3.7 hdg exp 1 June 2001 (s 296)

**Application for motor omnibus service licence**

s 273 exp 1 June 2001 (s 296)

**Existing motor omnibus service licences**

s 274 exp 1 June 2001 (s 296)

**Request for variation of motor omnibus service licence**

s 275 exp 1 June 2001 (s 296)

**Minister's approval for variation of motor omnibus service licence**

s 276 exp 1 June 2001 (s 296)

**Application for transfer of bus service licence**

s 277 exp 1 June 2001 (s 296)

**Maximum bus fares**

s 278 exp 1 June 2001 (s 296)

**Visiting buses**

subdiv 12.3.8 hdg exp 1 June 2001 (s 296)

**Existing visiting motor omnibus licences**

s 279 exp 1 June 2001 (s 296)

**Other matters**

subdiv 12.3.9 hdg exp 1 June 2001 (s 296)

**Suspension of licences under s 31 of the Motor Traffic Act**

s 280 exp 1 June 2001 (s 296)

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### **Suspension of licences under s 104 of the Motor Traffic Act**

s 281 exp 1 June 2001 (s 296)

### **Compulsory vehicle insurance**

div 12.4 hdg exp 1 June 2001 (s 296)

### **Existing authorised insurers etc**

s 282 exp 1 June 2001 (s 296)

### **Existing third-party policies**

s 283 exp 1 June 2001 (s 296)

### **Existing public vehicle policies**

s 284 exp 1 June 2001 (s 296)

### **Existing nominal defendant etc**

s 285 exp 1 June 2001 (s 296)

### **Payment of amounts to, and recovery of amounts by, nominal defendant etc**

s 286 exp 1 June 2001 (s 296)

### **Miscellaneous**

div 12.5 hdg exp 1 June 2001 (s 296)

### **Road transport authority may act in name of registrar**

s 287 exp 1 June 2001 (s 296)

### **Road transport authority may give effect to decisions of registrar etc**

s 288 exp 1 June 2001 (s 296)

### **Review of decisions of registrar**

s 289 exp 1 June 2001 (s 296)

### **Court order for disqualification**

s 290 exp 1 June 2001 (s 296)

### **Effect of disqualification before commencement**

s 291 exp 1 June 2001 (s 296)

### **Existing disqualifications until court order**

s 292 exp 1 June 2001 (s 296)

### **Existing suspensions and disqualifications of fine defaulters**

s 293 exp 1 June 2001 (s 296)

### **Appointment of authorised persons**

s 293A ins 2001 No 27 amdt 3.56  
exp 1 June 2001 (s 196)

### **Certificates under the Motor Traffic Act**

s 294 exp 1 June 2001 (s 196)

### **Fees and charges payable under Motor Traffic Act etc**

s 295 exp 1 June 2001 (s 196)



**Expiry of Part**

s 296

am 2001 No 27 amdt 3.57  
exp 1 June 2001 (s 296)

**Dictionary**

dict

am 2002 No 30 amdt 3.740; A2008-37 amdt 1.431; A2009-49 amdt 3.151; A2010-18 amdt 3.34, amdt 3.35  
 def **accident** om A2008-1 amdt 1.23  
 def **accredited operator** ins A2004-69 s 37 om A2008-1 amdt 1.23  
 def **administering authority** sub 2002 No 30 amdt 3.741  
 def **Australian Design Rule** ins 2002 No 23 s 14  
 def **Australian Road Rules** ins A2010-18 amdt 3.36  
 def **Australian Transport Council** sub A2005-20 amdt 3.367; A2010-18 amdt 3.37  
 def **authorised insurer** om A2008-1 amdt 1.23  
 def **authorised person** sub 2002 No 30 amdt 3.742  
 def **authority** om A2010-18 amdt 3.38  
 def **automatic disqualification provision** ins A2010-47 s 135  
 def **bicycle** ins A2010-18 amdt 3.39  
 def **bus** om 2001 No 62 amdt 1.23  
 def **bus operator's licence** om 2001 No 62 amdt 1.23  
 def **bus service licence** om 2001 No 62 amdt 1.23  
 def **certificate of insurance** om A2008-1 amdt 1.23  
 def **claim** om A2008-1 amdt 1.23  
 def **combination** ins A2010-18 amdt 3.40  
 def **commonwealth authority** om A2008-1 amdt 1.23  
 def **conditional licence** ins A2010-47 s 135  
 def **CTP arbitrator** ins A2008-37 amdt 1.432  
 def **decision-maker** sub A2008-37 amdt 1.433  
 def **defined right** om 2001 No 94 amdt 1.14  
 def **drive** ins A2010-18 amdt 3.41  
 def **drive a vehicle** om A2010-18 amdt 3.41  
 def **driver** sub A2010-18 amdt 3.42  
 def **driver licence receipt** ins A2010-47 s 135  
 def **driver trainer** ins A2011-15 s 84  
 def **executive officer** sub A2010-18 amdt 3.43  
 def **exercise** om 2002 No 30 amdt 3.743  
 def **function** om 2002 No 30 amdt 3.743  
 def **home address** om A2009-49 amdt 3.152  
 def **hospital treatment** om A2008-1 amdt 1.23  
 def **immediate suspension notice** ins A2010-47 s 135  
 def **immediate suspension offence** ins A2010-47 s 135  
 def **infringement notice** am 2002 No 30 amdt 3.744  
 def **insured motor vehicle** om A2008-1 amdt 1.23  
 def **insured person** om A2008-1 amdt 1.23  
 def **internally reviewable decision** ins A2008-37 amdt 1.434  
 def **internal reviewer** sub A2008-37 amdt 1.435

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def **internal review notice** ins A2008-37 amdt 1.436  
def **issue** am 2001 No 27 amdt 3.58  
om A2008-1 amdt 1.23  
def **jurisdiction** am A2010-18 amdt 3.44  
def **medical and surgical treatment** om A2008-1 amdt 1.23  
def **motor accident** om A2008-1 amdt 1.23  
def **National Road Transport Commission** om A2005-20  
amdt 3.368  
def **National Transport Commission** ins A2005-20  
amdt 3.368  
sub A2010-18 amdt 3.45  
def **nominal defendant** om A2008-1 amdt 1.23  
def **owner** om A2008-1 amdt 1.23  
def **private hire car** om A2004-69 s 38  
def **private hire car operator's licence** om A2004-69 s 38  
def **probationary licence** ins A2010-47 s 135  
def **provisional licence** ins A2010-47 s 135  
def **public bus** ins 2001 No 62 amdt 1.25  
om A2004-69 s 38  
def **public vehicle** sub 2001 No 62 amdt 1.24; A2004-69 s 39  
om A2008-1 amdt 1.23  
def **public vehicle policy** am 2001 No 27 amdt 3.59  
om A2008-1 amdt 1.23  
def **registration** om A2008-1 amdt 1.23  
def **restricted hire vehicle** om A2004-69 s 40  
def **restricted hire vehicle operator's licence** om A2004-69  
s 40  
def **restricted taxi** om 2001 No 94 amdt 1.14  
def **restricted taxi operator's licence** om 2001 No 94  
amdt 1.14  
def **reviewable decision** sub A2008-37 amdt 1.437  
def **revocation notice** sub A2010-39 s 11  
def **road** am 2002 No 30 amdt 3.745  
def **road related area** am 2002 No 30 amdt 3.745  
def **sightseeing vehicle operator's licence** om A2004-69  
s 40  
def **special driver** ins A2010-47 s 135  
def **suspension notice** ins A2010-47 s 135  
def **suspension offence** ins A2010-47 s 135  
def **taxi** sub 2001 No 94 amdt 1.15  
om A2004-69 s 40  
ins A2010-18 amdt 3.46  
def **taxi operator's licence** om 2001 No 94 amdt 1.14  
def **taxi zone** om 2001 No 94 amdt 1.1  
def **the regulations** om 2001 No 44 amdt 1.3762  
def **third-party policy** om A2008-1 amdt 1.23  
def **this Act** (or **the Act**) om 2001 No 44 amdt 1.3762

def **total loss** ins 2002 No 23 s 14  
 def **unidentified motor vehicle** om A2008-1 amdt 1.23  
 def **uninsured motor vehicle** om A2008-1 amdt 1.23  
 def **vehicle identifier** ins 2002 No 23 s 14  
 def **visiting bus** om 2001 No 62 amdt 1.23  
 def **visiting bus operator's licence** om 2001 No 62  
 amdt 1.23  
 def **written-off** ins 2002 No 23 s 14  
 def **written-off vehicles register** ins 2002 No 23 s 14

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Mar 2000	1 Mar 2000– 17 May 2000	A2000-4	new Act, amendments by A2000-4 and modifications by SL2000-11
R1 (RI) 28 Aug 2003	1 Mar 2000– 17 May 2000	A2000-4	reissue of printed version
R2 28 Aug 2003	18 May 2000– 11 Sept 2001	A2001-27	amendments to modifications by A2000-11, amendments by A2001-27 and commenced expiry
R3 12 Sept 2001	12 Sept 2001– 30 Nov 2001	A2001-44	amendments by A2001-44
R4 3 Dec 2001	1 Dec 2001– 28 Feb 2002	<u>A2001-94</u>	amendments by A2001-62

## Endnotes

5 Earlier republications

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R5 1 Mar 2002	1 Mar 2002– 1 Mar 2002	A2001-94	amendments by A2001-94
R6* 2 Mar 2002	2 Mar 2002– 9 Sept 2002	A2001-94	commenced expiry
R7 10 Sept 2002	10 Sept 2002– 16 Sept 2002	<u>A2002-23</u>	amendments by A2002-23
R8 9 Oct 2002	17 Sept 2002– 31 Oct 2002	A2002-30	amendments by A2002-30 and commenced expiry
R9 1 Nov 2002	1 Nov 2002– 31 Dec 2002	A2002-40	amendments by A2002-40
R10 1 Jan 2003	1 Jan 2003– 16 Jan 2003	A2002-51	amendments by A2002-51
R11 17 Jan 2003	17 Jan 2003– 27 Jan 2003	A2002-51	amendments by A2002-49
R12 28 Jan 2003	28 Jan 2003– 27 Mar 2003	A2002-51	amendments by A2002-23
R13* 28 Mar 2003	28 Mar 2003– 8 Apr 2004	A2003-6	amendments by A2003-6
R14 9 Apr 2004	9 Apr 2004– 19 May 2004	A2004-15	amendments by A2004-15
R15 20 May 2004	20 May 2004– 15 Dec 2004	A2004-24	amendments by A2004-24
R16 16 Dec 2004	16 Dec 2004– 31 Dec 2004	A2004-73	amendments by A2004-73
R17 1 Jan 2005	1 Jan 2005– 9 Jan 2005	A2004-73	commenced expiry
R18 10 Jan 2005	10 Jan 2005– 8 Mar 2005	A2004-73	amendments by A2004-60
R19* 9 Mar 2005	9 Mar 2005– 1 June 2005	A2004-73	amendments by A2004-69
R20 2 June 2005	2 June 2005– 30 Sept 2008	A2005-20	amendments by A2005-20

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R21 1 Oct 2008	1 Oct 2008– 1 Feb 2009	<u>A2008-37</u>	amendments by A2008-1 as amended by A2008-39
R22* 2 Feb 2009	2 Feb 2009– 16 Dec 2009	A2008-39	amendments by A2008-37
R23 17 Dec 2009	17 Dec 2009– 2 Mar 2010	A2009-49	amendments by A2009-49
R24 3 Mar 2010	3 Mar 2010– 2 June 2010	A2009-49	amendments by A2009-22
R25 3 June 2010	3 June 2010– 30 June 2010	A2010-18	amendments by A2010-18
R26 1 July 2010	1 July 2010– 30 Nov 2010	A2010-21	amendments by A2010-21
R27 1 Dec 2010	1 Dec 2010– 4 Apr 2011	A2010-47	amendments by A2010-39 and A2010-47
R28 5 Apr 2011	5 Apr 2011– 12 May 2011	A2010-47	amendments by A2010-39

## Endnotes

6 Uncommenced amendments

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### 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>Road Transport Legislation Amendment Act 2011 A2011-14 pt 3</b>
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## Part 3 Road Transport (General) Act 1999

<b>10</b>	<b>Suspension for nonpayment of infringement notice penalties Section 44 (8)</b>
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*omit*

<b>11</b>	<b>Seizure of licences Section 59 (1)</b>
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*substitute*

- (1) A police officer or authorised person may, with no authority other than this section, seize an Australian driver licence, public vehicle driver authority card or external driver licence, or anything resembling an Australian driver licence, public vehicle driver authority card or external driver licence, if—
  - (a) it is produced to the police officer or authorised person by someone representing it to be the person's Australian driver licence, public vehicle driver authority card or external driver licence; and
  - (b) the police officer or authorised person suspects on reasonable grounds—

- (i) that it has been obtained in contravention of the *Road Transport (Driver Licensing) Act 1999*, section 29 (Obtaining licence by false statements etc), a corresponding law (within the meaning of that Act) or the law of an external territory or foreign country; or
- (ii) that it is unlawfully in the person's possession; or
- (iii) that it is required to be returned or surrendered to the road transport authority under the road transport legislation; or
- (iv) that it is defaced or altered.

**12 Section 59 (4)**

*substitute*

- (4) The grounds on which a suspicion may be formed, sufficient to authorise the seizure of an Australian driver licence, public vehicle driver authority card or external driver licence or anything else (the *licence or article*) under this section, include (but are not limited to) any 1 or more of the following:
  - (a) a lack of resemblance between the person shown in a photograph attached to or forming part of the licence, card or article, purporting to be a photograph of the holder, and the person who produced it;
  - (b) a lack of resemblance between a signature on the licence or article, purporting to be the signature of the holder, and a specimen signature provided by the person who produced the licence or article;
  - (c) a refusal by the person, after producing the licence or article, to comply with a requirement under subsection (2).

## Endnotes

6 Uncommenced amendments

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### 13 Section 59 (5)

*substitute*

- (5) An Australian driver licence, public vehicle driver authority card, external driver licence or anything else seized under this section must be given to the road transport authority as soon as practicable (but within 14 days) after the seizure.

### 14 Section 59 (6)

*after*

Australian driver licence

*insert*

, public vehicle driver authority card

### 15 New section 59 (8)

*insert*

- (8) In this section:

*public vehicle driver authority card*—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

### 16 Immediate suspension of licence New section 61B (5) (aa)

*insert*

- (aa) the chief police officer, or the DPP, gives written notice to the person served with the suspension notice that states that the proceeding for the suspension offence for which the suspension notice was issued is to be withdrawn or discontinued; or



**17 New section 61B (6)**

*insert*

- (6) If a person has surrendered their driver licence under a suspension notice and the suspension notice ceases to have effect under subsection (5) the road transport authority must return the driver licence to the person as soon as practicable.

**18 Suspension of driver licence, registration etc for default of court imposed fine  
New section 84 (5) (d)**

*insert*

- (d) if the person is the holder of an interstate driver licence or an external driver licence—suspend the person's right to drive a vehicle in the ACT.

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